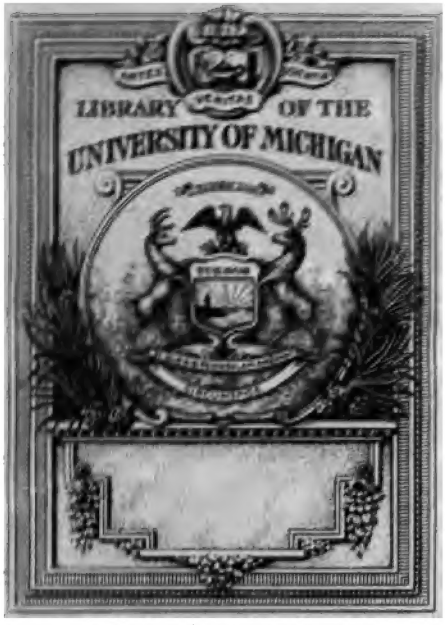
Newman
1810

George Purling.



THE

Parliamentary Register;

OR,

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF LORDS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES, MOTIONS, PROTESTS, PETITIONS, &c.

DURING THE

FIFTH SESSION of the FOURTEENTH PARLIAMENT

OF

GREAT BRITAIN:

VOL. XIII.

LONDON:
Re-printed for JOHN STOCKDALE, PICCADILLY; J. WALKER; R. LEA, and J. NUNN.
By J. Crowder and E. Hemsted, Warwick-Square.

1802.

THE HISTORY

OF THE

PROCEEDINGS and DEBATES

Of the FIFTH SESSION of the

HOUSE of LORDS,

OF THE

Fourteenth Parliament of *Great-Britain*,

Appointed to be held at WESTMINSTER,

On *Thursday*, the 26th Day of *November*, 1778.

THE King's speech (which the reader will see in the Commons debates) having been read,* the Duke of *Chandos* moved, That an humble address, &c.

His exordium or opening contained a view or counter-view of the many public or private virtues of the Sovereign, and the obstinacy, baseness and ingratitude of his rebellious subjects in America; a prince, he said, who had made the constitution the rule of his government, and the happiness and prosperity of his people, the great leading objects of his life.

After some further testimonies to the same purport, his Grace considered the several paragraphs in the speech, in the order they were delivered. He said, history had as yet furnished no example of the kind; that in a time of profound peace, without pretence of provocation, or colour of complaint, the court of France, contrary to the faith of treaties, the rights of sovereigns, and the usages of independent states, not only entered into engagements with the leaders of rebellion in America, but had committed hostilities on the faithful subjects, and actually invaded the dominions of the British crown in America and the West Indies. This his Grace animadverted upon, observing, that it was both base, treache-

* During the recess in the Summer, Edward Thurlow, Esq. Attorney General, was created Lord Thurlow, and appointed Lord Chancellor in the room of Earl Bathurst, resigned.

rous, insidious, and every way unjustifiable and unprecedented. He took a retrospective view of the repeated assurances of amity and sincerity given by that perfidious court, while they were secretly encouraging, fomenting and assisting rebels in arms against their lawful sovereign, until the moment arrived, that they imagined they could, from the embroiled situation of our affairs, publicly avow that perfidy, which in the early stages of the dispute, they so earnestly laboured to conceal. This circumstance, joined to the consequences which were justly to be dreaded, if not timely guarded against, would, he trusted, be sufficient to produce unanimity among their Lordships and the nation at large; and create a proper sense of the injuries attempted to be put upon it, and of the wound which its honour had received.

His Grace entered particularly into the endeavours used by his Majesty to promote the happiness of all his subjects since he came to reign over them; and how securely their Lordships and the nation might trust to his wisdom and paternal care, for a restoration of peace, whenever it could be effected consistently with the honour, interests and rights of this country.

He said, vigorous measures were the only sure and honourable means of defeating the designs of our enemies, and of procuring public safety. The present crisis, he acknowledged was critical, and in some respect, alarming. It was big with difficulty, and portended danger. France and America were combined; they were connected in the most unnatural alliance; other powers might interfere; the most solemn assurances of friendship and neutrality were not wanting, but it was prudent to be prepared for the worst that might happen; in either event, however, nothing but the most rigorous and united exertions of this kingdom, and of every part of the empire, could promise to free us from our present perilous situation.

He observed, that although the vigorous efforts made in the course of the last campaign were not correspondent to the public expectation, our commerce had been protected, and very considerable reprisals had been made on the enemy in sight of their own coasts, by which they were sorely distressed, and the captors and the nation proportionably enriched.

He returned to consider the conduct of America, and said, the people of that country having obstinately refused the late offers made them by the British Parliament, he trusted

that

that the people of this country would unite, and no longer consider the revolted Colonies as struggling for the privileges of British subjects, but as a sovereign independent state, leagued with a foreign enemy, for our destruction. Measures of force were therefore become necessary, measures calculated to defeat and dissolve so unnatural alliance, whatever appearances might in some particulars indicate to the contrary; but that the spirit and resources of this country, were yet fully equal to the chastisement of both our declared foes and rebellious subjects.

Earl of *Plymouth* seconded the motion, and touched on the several points which had been spoken to by the noble Duke. He confessed that our affairs were in a very dangerous way; that the present was a most inauspicious period, and called pressingly for the instant aid of every heart and hand in the kingdom to ward off the blow, now meditating against us, and punish the faithless and perfidious aggressor.

His Lordship professed himself entirely of the same opinion of the noble Duke, that nothing but the most rigorous and decisive measures would answer any good end; nor nothing but force procure that justice, which would continue to be withheld, so long as the aggressor was able to do so. The enemies of this country must first feel its resentments in acts of power and hostility before peace could be restored upon a safe or honourable footing. Any concession on our part must be fatal: our commerce and manufactures, which were the great sources of our wealth and national power, must be ruined, if America should be relinquished. He said, he lived in a great manufacturing county, himself [Worcestershire] where he was a daily witness to the distresses of both the manufacturers and of those whom they employed. The manufacturers had ceased to carry on their business, for want of vent or market; and the working mechanics were in the utmost misery and distress, and starving for want of employment. He could relate several particular instances which came to his own immediate knowledge, but he should only say generally, that in some of the towns immediately in his neighbourhood, he was acquainted with some opulent tradesmen and manufacturers, who instead of employing a hundred or fifty hands each, did not now employ above ten or five, or in that proportion. Whence he concluded, though no other motive of national honour or proper resentment for the unprovoked injuries received from our foreign foes and rebellious subjects, existed for pursuing the war both in France and America, it was now become an object of necessity, in order to procure a vent for our manufactures.

He said, he had often heard it dwelt upon by several noble Lords in that House, that America would be able to resist the utmost exertions of this country; that France would at length interfere in her support; and frequently since he had heard great merit taken on the score of those predictions; but the final event thereof was not yet known, nor were the authors always justified in what they said. Among other assertions, he remembered to have heard it insisted upon from the same quarter, that the militia, if called out into actual service, would never answer the purpose of national defence: the contrary had been proved in the course of the preceding summer and autumn. He believed, those who were most sanguine in this opinion, would agree with him, that there never appeared a finer body of men, nor better disciplined, considering the shortness of the time they were instructed in the use of arms. He therefore had no doubt, but several other predictions of the same tendency would be proved equally erroneous; the passage in the speech contained the fullest refutation of what had been so confidently pronounced on this head; for he could affirm it was literally true, but the personal testimony of his Majesty put it beyond doubt; "his being a witness of that public spirit, steady ardour, and that love of their country, which animate and unite all ranks of his faithful subjects, and which cannot fail of making this country safe at home, and respected abroad."

His Lordship concluded, with giving it as his firm opinion, that the measures recommended from the throne were the best, if not the only means now left of procuring public safety, and of avoiding that public disgrace and ignominy, which must follow any concession or humiliating terms which a mistaken prudence and timidity might suggest, or an insolent and perfidious enemy think proper to prescribe. He would therefore give his hearty assent to the address moved by the noble Duke.

Earl of *Coventry* rose, he said, to repeat his former opinion respecting America, which had never altered since it became a subject of debate of late years in that House, but had been uniformly directed to impress this one important truth on their Lordships, which was, that the attempt to coerce America, be the events of war ever so favourable,, was a measure hazardous in the onset, seemingly impracticable in the execution, and if even prosperous, infinitely pernicious and impolitic. This was an opinion, he ever held, and would never retract. He wished, in the language of a noble Lord in that House [Lord Bute] on a former occasion, to have that opinion

nion engraved on his tomb-stone. The noble Lord applied the saying to the peace of Paris. He did not mean by the allusion to censure that peace; he believed it was the best that could be made, allowing for the then existing circumstances of this country, and the general state of affairs in Europe; but while he acknowledged this, he wished to be clearly understood, that although he meant no reflection on its author, that the bad use of that peace since its ratification, was the grand source, he apprehended, from whence all our present public calamities had flowed.

As to the motion made by the noble Duke, he could by no means assent to it in its present form, and in the terms in which it was drawn up. Being averse to the prosecution of the American war, in every precedent stage, it could hardly be expected, that he would lend his approbation in the present instance, when so many additional reasons confirmed him in his former dissent. He did not come prepared to propose any amendment, nor did he see what amendment could meet his ideas, without altering the tenor of the whole address: otherwise, he should very readily support every measure which would go to separate the idea of making war upon France, distinctly from America. So far he was ready to co-operate in any steps necessary for carrying on a war against our foreign foes; but he begged leave to repeat, that experience had strengthened his former opinion, and supplied him with additional reasons, arising both internally and externally, to advise a discontinuance of hostilities against America, as the only means left of restoring that country to the British empire, or at least inducing her to act a neutral part.

To go into the question, as it presented itself to their Lordships, it would be necessary to consider it previously, as connected with many relative and collateral circumstances. This could be only drawn from facts, or from fair and candid reasonings on those facts. The former would be the actual state of this country, at the commencement of the contest, and at present; to compare those periods, and from thence determine on the probability of success. The same mode of investigation would be necessary in respect of America; look at her, see what she was, and what she is. He would, however, as the point of most immediate consequence, consider the internal and external state of this country.

This he affirmed, when properly considered, would be found to be most deplorable indeed! Our armies were either mouldering away, by death, desertion, and sickness, or reduced by loss n battle; were defeated or captives, or acting upon the de-

fensive. Our navy was far from being in that formidable and respectable state it was hoped and expected. Our manufacturers were unemployed, and starving, and burthensome to their respective parishes, as had been well observed by the noble Earl, who seconded the address. Our commerce was declining or suspended; and was carried on, upon such a risque, and on such high premiums of insurance, as to render it but of small advantage to the merchant, and burthensome to the consumer. Public credit drawing fast towards annihilation. Our stocks fallen, nearly as low as at the conclusion of the late war; and their ruin suspended only by a thread, which the least adverse accident would probably cut asunder. Private dissipation and public rapine, daily encreasing. Divided councils and a general inattention to the concerns of the nation, almost universally spread through every rank of people. Without allies, upon motives of mere interest, or friends, from motives of affection, formed, he said, but the rough outlines of the causes of our weakness. Such a scene of national distress, and external imbecility, must give the most heart-felt concern, to the few who had still the honour and interest of their country implanted in their minds. He acknowledged, that it was a melancholy picture, but if it was a faithful one, it ought not to be concealed from the public; because, without knowing the nature and extent of the evil, it would be impossible to provide a proper remedy.

A thorough reformation, he said, if the facts stated by him were true, (which he believed would hardly be controverted) became absolutely necessary. The constitution must be brought back to its first principles. Pensions, sinecures, and all the engines of a corrupt goverment, must be totally abandoned. The Augean stable must be thoroughly cleansed; public spirit must be cultivated, encouraged, and nourished by those, who hold the reins of government, and private and personal interest made to give way to that of the public state. But we have lost the man, said he, who was equal to the accomplishment of this Herculean task [Lord Chatham]. Alas! he is no more; we have lost the man, who, by his example, was capable of sowing the seeds of public virtue, of bringing it to maturity, of calling it into the service of the state, and to the most glorious purposes. While we had that man, whom I esteemed as the Palladium of his country, I looked upon this island as invincible; since he went, like the Trojans, I begin to despair. Yet we should not become desperate, but resolve to wisely employ the means still in our power. We should still hope for the best, were our councils judiciously

judiciously directed. Let us but once get rid of this American war, and I doubt not, but we shall be still able to counteract and baffle the designs of all our enemies, however numerous and formidable. The point he should particularly speak to, for the reasons before assigned, was how we were to extricate ourselves from our present difficulties, and avoid the absolute ruin of the empire, or rather the remaining part of it. This chiefly, he thought, depended upon putting a speedy end to the American war, and the mode of doing it. To determine which, it would be necessary to take the question in three different points of view, as presenting so many different measures.

Should it be effected, by adopting a new system of coercion? By declaring America independent? Or determining nothing as to the second question, and only withdrawing our fleets and armies?

On the first of these he asked, was it practicable, would it be wise, to risque further events, which might lead to defeat and inevitable ruin? Here he contrasted the state of this country, at this time, with what it was at the commencement of the three last campaigns. Were our armies more numerous, or better disciplined after the loss of so many thousands, than before we lost a single man? Were our finances upon a better footing, after expending thirty-five millions of money, than before we spent a shilling? Was America weaker, now when joined with France, than when she contended with us single handed? Or was the distance lessened, and the winds and waves become more obedient to our command? Had we now more able and experienced generals or admirals? Had we procured new and powerful allies? Were we better united? Or were ministers more fully confided in? These questions he said, must be uniformly answered in the negative. What, then, could be our motive for prosecuting a war, under such apparent disadvantages? The general answer given was, that any war, however dangerous or expensive, was preferable to an inglorious peace. He contended, that the word inglorious, was merely a relative term; that it referred to the existing circumstances, or meant nothing. What might seem an inglorious peace, under some circumstances, might prove a very wise and honourable one under others. On this ground, he should think going to war (the events of which no man could foretel, and which, if unfavourable, must end in the ruin of this country) would be a very hazardous experiment; the risque and the probabilities ought to be seriously considered, and the advantages and disadvan-

tages balanced. For his part, so far as America was concerned, he was well satisfied that a war, merely taken up for conquest, or unconditional submission, must miscarry. He therefore conjured their Lordships, to look with attention at the present situation of public affairs; to recollect the bad success of almost every measure pursued against America; and the present effect and probable consequences of the war, to the commerce, character, and glory of this nation. He doubted not, but many Lords, who had formerly approved of the measures of administration, from a hope of success, now thought very differently of those measures; that they saw the American war as a matter that involved infinite mischief on the kingdom; and might, if pursued, be the cause of its final ruin.

With regard to the second question, the declaring America independent, it was what struck him, as the wisest step to be taken, as matters now stood. "Do it fairly, do it fully, and then we shall have leisure to punish France for her perfidy, and to recover ourselves from the danger and damage we have long been exposed to, and have already in part so severely felt." It was madness to persevere in pursuing an object, now become utterly impracticable to attain. America might yet court a political commerce with this country; if not, she might find it her interest to form a commercial one with it; and though she should decline either, he thought it much better to cease hostilities against her, because if we could derive no advantage in the way of friendship, measures of force must inevitably terminate in our destruction.

The third question, that of withdrawing our fleets and armies, substantially amounted to the second, which could not be put in practice without a tacit acknowledgment of American independence, though not an avowed one. Besides, withdrawing the troops without such an acknowledgment, would bear the appearance of a dormant claim, suspended, but not relinquished, and would create an enmity, jealousy, and ill-will, little short of a continuance of actual hostilities. Such therefore being the case, and the probable circumstances of either of the other measures, he would advise the declaring of America at once independent, and suffering her to become a separate state.

His Lordship declared, what he now said contained his real sentiments, abstracted from any views of party or any other motives whatever, but an earnest and anxious desire of rescuing his country from the ruin which seemed ready to burst on it. He had given them fully, but cautiously; wishing

ing to avoid giving offence to any one man, or set of men. He was convinced, however prevalent a contrary opinion might be, this country could never recover its former glory and lustre, till the government was new modelled; how far that might be practicable, he did not pretend to say. His Lordship concluded by assuring their Lordships, that he would be extremely glad to agree with the address, were it in his power to do so, consistently with his conscience; but he could never think of approving of any system of war, which would directly or eventually go to advise his Majesty to a further prosecution of that against America.

Earl of *Bristol*. It is with the greatest concern, and no less reluctance, that I find myself obliged to oppose a motion which seems to convey any appearance of expressing our attachment, affection, and duty for his Majesty. Nor would I now do it, though compelled to it by that duty I owe my King and my country, did I not feel a consciousness that every action of my life has been such as must convince the whole world of my invariable attachment, affection, and loyalty to the King and his family; which is firmly rooted in my heart, and was in my earliest days nourished by the principles of whigism, that has ever distinguished my family, and from which no consideration whatever shall make me deviate.

My Lords, I shall most undoubtedly continue to exert the privilege which, thank God, our ancestors left us, and which, notwithstanding the times, we are not as yet deprived of; that of speaking openly to your Lordships.

My Lords, the deplorable situation of this country, the integrity of Parliament, and the honour and reputation of every one of your Lordships, requires it from your Lordships particularly, and from every man who has an independent way of thinking, and who values the constitution of his country, and the welfare of our sovereign, preferable to every other consideration. My Lords, I therefore rise to tell you my reasons why I cannot give my assent to such an address as this is; an address that comes here drawn up by either the ostensible or the hidden minister, to echo back his own words that we have just heard from the throne, and which are now to be sprinkled with fulsome commendations of his own destructive counsels; which counsels have nearly brought these once flourishing kingdoms to ruin; the once wealthy inhabitants of them to beggary, and a once great and free people almost to slavery. No, my Lords, consider the deplorable

plorable situation of your country, and let us, as has been the ancient custom of former Parliaments, let us at least suspend such shameful adulations, and first examine the grievances of the people, enquire into the heavy burthens the people groan under, into the causes of the loss of the greatest part of the empire, into the disagreeable disappointments of our armies by land and sea, into the alarming situation and almost total ruin of the fleet, into the occasion of the loss of a whole army at Saratoga; enquire into the dismission of so many commanders in chief by sea and land, without any reasons assigned, by which the nation is deprived of judging to whom they are to impute all these sad disasters; which the people have a right to demand, after having given the immense sums, which they have, and which they can no longer support, without some prospect of a total and speedy change of men and measures.

Let these, my Lords, be our objects of enquiry, as they are very justly the first objects of the nation's attention: and if you wish to prove yourselves the guardians of the people, (the most noble and most valuable title a peer can boast of) instead of being thought the hired dependants of a minister, (the most abject and degrading title any man can have) let the enquiries, I say, be our first and chief employments; and according to our resolutions formed upon an impartial scrutiny on these heads, then, my Lords, propose such a dutiful address to the throne, as your own honour and situation dictates, as the voice and sufferings of the people call for, and such as our duty and loyalty to his Majesty make necessary.

My Lords, the grievances of the people are innumerable, and spring from a chain of disappointments that have been brought on by counsels, which prove the counsellors not only unworthy the trust reposed in them, but that I fear they cannot be true friends to the family on the throne, and consequently no friends to our glorious constitution. These grievances flow also, from a duplicity and utter incapacity of those who appear the ostensible respondents for some of the most material offices of the administration.

The heavy burthens which the people groan under are such, as I need not describe, they are too sufficiently felt by every one of your Lordships; and every man in the kingdom, who do not partake of those emoluments, pensions, and

and perquisites, which have been, and are still so shamefully and so lavishly scattered upon the betrayers of the people.

The loss of the greatest part of the empire, alas! my Lords, that is also too obvious to need my reciting; let the blood and treasure hourly ebbing out of these kingdoms, and which are sent 3000 miles across the ocean, vainly to endeavour to protect the little remains of a vast continent, prove the truth of that assertion.

The disappointment of our arms by land and sea needs no other proofs than the different manœuvres of our great army in America, and the untrophied return of our fleets into port every where. The alarming situation, and almost total ruin of our navy, is well known, and is what I shall take some other opportunity to expatiate upon. The dismission or recall of so many commanders in chief by land and sea, without any enquiries, is unheard of, and whether they were dissmissed, or had leave to return to their commands, if they are superseded by others, before the busy scene of action is closed, it is much the same; if no leave is given for such dismission, we must suppose those officers hardly, cruelly, and unjustly dealt by, because, it leaves a suspicion which you thereby deprive them of the power to wipe off.

My Lords, I could enumerate evils that have sprung from each of these different heads, that would employ the whole day, as I could upon some others of as great consequence with regard to the fleet, but which, as I told your Lordships, I shall take some other opportunity for. I see in the countenances of many of your Lordships, that these evils are too recent, they are too generally known and felt, to require my further dwelling upon. And I am certain that many of your Lordships, who formerly thought it necessary to support the ministers, by way of giving them what was called a fair trial, have since condemned almost every step that has been taken in consequence of such support. Do not therefore, my Lords, make yourselves farther accessary to the crimes of such ministers, by continuing that support, but endeavour to atone for the past by uniting in delivering the King and the nation from the continuance of such pernicious counsellors. I shall therefore hope, my Lords, you will suspend any address, till you have taken the present state of the nation into your consideration, and then found one thereupon.

Earl of *Effingham* condemned the speech and the address in the strongest terms. He said the minister had put words into the King's mouth, which tended to hold forth an idea, that Parliament had planned the measures which had for a series of

years been pursued respecting America. The contrary was notorious; Parliament had been kept in all possible ignorance by administration, who alone had planned those measures which had proved so destructive to Great Britain, and to which the loss of America was solely ascribable. That all along indeed, the ministry had artfully endeavoured to colour their bad policy, under the name of the King, and under the authority of Parliament. That they had presumed to say the whole war was planned by his Majesty, whose plan it no more was than it was his. His Majesty had too much generosity to have schemed a system so opposite to every idea of liberality, justice, and humanity. His Lordship went on to shew in what other points the words of the speech and address were fallacious and ill founded: he said, that so far from attempting to conciliate matters, administration had, from the commencement of the war, done every thing to aggravate America, and widen the breach between her and the mother country; that therefore what the speech called conciliatory measures, might properly be ranked among their vigorous and active exertions. He blamed them for their repeated assurances to Parliament that France would not interfere, and begged them to recollect that they had heard again and again, at least from one side of the House, that France would certainly, according to her constant practice, take advantage of our embarrassments, and endeavour to retrieve her credit. The Earl went over the ground of the arguments of administration last session, and in particular accused the first lord of the admiralty of having failed in his promise to the House respecting the state of the navy. The noble Earl, he said, had declared, "that in his opinion no person ought to hold the office of first lord of the admiralty, unless he always took care to have at home a larger force than the House of Bourbon could send against us." Has this been the case as yet, although only one branch of the House of Bourbon was in arms against us? On the contrary were we not inferior every where? That is (he begged to be understood) wherever our fleets met the fleets of France. His Lordship spoke of the affair off Brest; and after having in a loose and desultory manner adverted to various other particulars, concluded with objecting to the address.

Earl of *Suffolk* said, that the noble Earl [Coventry] had opened his speech with saying, that he never retracted his opinion respecting America. He could truly affirm the same.

The

The noble earl had likewise imputed all our misfortunes to the corruptions, and public and private vices of the times; and supposed, that no measures of state received the sanction of Parliament, till preceded by a thorough reformation. For his part, he could answer for one, that his conduct was not influenced by any such motives. He had neither pension, sinecure, nor reversion, and he could safely add, though placed in a very high office under his sovereign, he was unconscious of being actuated by any other motives, but a zeal and duty for the interests of his King and country. When therefore he gave his sentiments, either in his official situation, or as a member of that House, he should continue to give them without reserve; little regarding what interpretation might be put upon them; being perfectly satisfied of the rectitude of his own intentions.

He said, he had no thoughts of rising thus early, had not he perceived a chasm in the debate; and lest being called upon by a noble Earl over the way [Effingham] to explain, his silence should be deemed either as proceeding from inattention to the House, or admitting what had been urged by the noble Lord, to be true as stated. [His Lordship however forgetting the question put to him by the noble Earl, proceeded without further notice.]

The noble Earl [Coventry] said, that several noble Lords who supported the American measures, had been taught by experience to give them up, it might be a very good reason; but since the last session, circumstances had changed, that reason might operate with several other noble Lords to change their sentiments, on account of a different face of affairs. The contest originally existed between Great Britain and her Colonies; the grounds of contest were shifted; it was no longer a question, whether America was to submit, but whether she would accept of the most mild and equitable terms, even according to her own ideas; or be considered as an open enemy, in alliance with a perfidious aud dangerous foe: so that although it might be the opinion of several of their Lordships, that America some time since was not worth the risque and expence of recovering, as part of the dominions of the British crown, the question was now quite different; it was, whether we should submit to France and America, and permit them to dictate their own terms. In this view, the several negatives given to the motion plainly amounted to this; We will not support you against France; it being, in the present state of affairs, impossible to separate, even in idea, France from America. Indeed the Congress have told the Commissioners directly so; it is evident, therefore, that putting

a direct

against France; if a war with America should be involved in a resistance to the perfidious and insolent demands of France, that was not imputable either to the ministers, Parliament, or the nation at large. It was a just war; it was now become absolutely necessary, as well for the sake of public security, as the preservation of our national interests; those, therefore, who might vote for the address, as moved, would vote for that security, and those interests.

Earl of *Derby* hoped, he should not be charged with inconsistency of conduct, in speaking and voting against the address moved by the noble Duke, for he still was steady to the principle first taken up and maintained by him, both in the other House and here, which was, that Great Britain as the parent state, had a right to tax America, for certain purposes, and on particular occasions; such as either regarded the general defence of the empire, or were directed to its collective strength, and the joint prosperity of the different parts of which it was composed. He was not ashamed to acknowledge, that he strenuously supported administration in the endeavouring to establish that right: but finding the attempt to have failed, by the weak and impolitic conduct of ministers, and deeming it now totally impracticable, he thought it his duty to withhold his farther support from men unworthy of public confidence, and from measures, which, must inevitably miscarry, he feared, in the best and most able hands. The moment of success was passed, and ruin would, in all human probability, be the consequence of attempting to catch at that, which was now for ever beyond our reach. His Lordship said, he could not restrain the indignation he felt at the hints thrown out by the noble Earl who spoke last, relative to the means intended to be adopted in future against America; which he presumed implied an intention of burning her towns, butchering her innocent and defenceless inhabitants, in cold blood; massacring old men, women, and every degree of the defenceless of both sexes, to the infant on the breast: of relying solely on the tomahawk and scalping knife, or in the language of the noble Earl, upon a former occasion, the having recourse to those means which God and nature had put into our hands. His Lordship was here proceeding with great vehemence, and branding the authors and advisers of so horrid and diabolical a plan of coercion, with the most pointed epithets, when

Lord *Suffolk* being called upon by him to explain, his Lordship rose and observed, that he looked upon it to be extremely improper, to be thus specifically called upon, by any speaker, in

in the course of his speech, to explain. When he thought proper to reply to the noble Earl, he would give such an answer as his own judgment should suggest; but, in the present state of the debate, he looked upon it to be contrary to order, to be thus pressed to give a negative or affirmative to the interpretation put by the noble Earl upon a passage in his speech.

Earl of *Derby* proceeded. He avowed his ignorance of the mere forms of debate, and asked pardon of the House and the noble Earl, if he had transgressed them. He however submitted to their Lordships, whether he had betrayed any want of candour, as he had taken up the expressions which alarmed him, in a few minutes after the noble Earl had delivered them. The noble Earl's refusing to reply, and only calling him to order for a breach of the usages of the debate, served farther to confirm him, that his suspicions were well founded; he therefore was well warranted in affirming, that this, and this only, was the true construction of the objectionable words, and what they fairly imported, which he would not hesitate to declare, to be a most inhumane, barbarous mode of making war, and no less cruel than impolitic; because it would teach our enemies to retalliate, and leave our own subjects, in every quarter of the globe, open to all the horrors of similar cruelty and barbarity both in respect of their lives and properties.

His Lordship went into a general condemnation of the conduct of the ministry, respecting General Burgoyne, and was extremely severe upon administration, for the treatment of his relation. He likewise went into a general detail of what he called their shameful conduct towards almost every admiral and general who had accepted of a superior command, since the commencement of the present contest with America. He described General Burgoyne as an officer who had done his utmost to serve his country, and who had been most cruelly dealt with, and treacherously treated, by those to whose ignorance and incapacity that fatal expedition under his command might be fairly imputed. Ministers, he insisted, had taken up measures by hearsay, and adopted them without examination; they planned by guess, and decided at random; their system was founded in doubt, and was now defended by treachery and deceit. The proposed war bore the worst complexion. Canibals and savages would be ashamed of it: It was mean, it was cowardly, to punish when conquest was relinquished; it was a gratification of the worst and most unmanly of passions, being founded in that diabolical principle

of doing mischief for mischief's sake; it was unworthy of Christians, unworthy of Britons, and unworthy of men.

His Lordship next adverted to what had fallen from the noble Earl [Plymouth] who had seconded the address, respecting the miserable and distressed state of the manufacturers and mechanics in the several towns in his neighbourhood; and said, he drew a very different conclusion from the same premises; for instead of their being reasons to go to war with France and America united, he thought they afforded the most self-evident proofs of the necessity of avoiding to rush blindly into a war, which, if prosecuted on the plan approved of in the address, must, instead of alleviating those miseries, so pathetically described by the noble Earl, increase them tenfold.

This was a new mode of remedying one evil, by introduceing another of infinitely greater magnitude. The noble Earl had spoken only of the distress of the towns in his own immediate neighbourhood, he could contribute to multiply the examples, swell the melancholy catalogue, and heighten the picture; there was not a trading, commercial, or manufacturing town in the kingdom, he believed, which had not in a greater or less degree felt the dire effects of the present war. He could speak with confidence of some in his own neighbourhood. The once-flourishing and opulent town of Liverpool, near which he lived, afforded a most melancholy proof of the innumerable mischiefs caused by the present war; it would have been ruined, but for the success of its privateers, and the uncommon spirit of enterprize with which its inhabitants of every rank united themselves; their efforts had indeed been remarkably successful. It however was a known fact, that there was an end to their good fortune. Privateering would not long continue a lucrative trade; the success could be felt but by a few, and when the benefits derived from it were scattered and sunk in the general mass, the former distresses of the merchants and traders would shortly return, a few fortunate adventurers only excepted.

His Lordship returned to the mode of carrying on the war, which had been hinted by the noble Earl in office. He said, it was true, our coasts were pretty well guarded; but let their Lordships seriously reflect on the danger they would be liable to, from the depredations of French frigates, letters of marque, &c. in situations far distant from ports, places of defence, &c. in which event, the crews of those vessels acting upon principles equally humane, might in turn become the perpetrators of the utmost cruelty and brutality.

The

The Earl declared he was so far from objecting to punishing the perfidy of France, that he really thought the speech did not describe the conduct of that court in terms sufficiently marking and sufficiently abhorrent. He begged the Lords in office to recollect, that he was one of the first in that House to declare he thought the French rescripts an absolute declaration of war. He had so much of the Englishman left, that he felt a degree of indignation, scarcely in his power to keep under proper bounds, when he reflected on the mean, the unjust, the treacherous part France had acted respecting Great Britain; that he was ready to join in any proper plan, to retalliate on a foe so totally destitute of every good, every honest principle. That it was however right for their Lordships to consider their ability and situation, as far as it regarded their desires to punish France; a man was not to run his own head against a stone wall, in order to be revenged of another person. The present moment was unfavourable; it was neither politic nor prudent to attempt the chastisement of France just at this time. France had joined America; Spain was expected to join France; Holland, as a commercial nation, would most probably enter into treaty with America; all the world might follow the example of France! Would ministers go to war with all the world? For if their sole reason for going to war with France now, was her having entered into treaty with America, the same reason might involve them in universal war. Let them consider our losses, the state of our finances, the state of our forces. We might almost be said to be without men, without money, and without an ally!

His Lordship, in the course of his speech, urged, in very strong terms, the necessity of a change of men as well as a change of measures.

Bishop of *Peterborough*. It is a melancholy justification of their opinion, which those who differ from the majority of your Lordships have this day in the event of their predictions, that what a few months ago was only probable conjecture, is now history; nor needed it the spirit of prophecy to foresee, that measures planned and persevered in, on partial and erroneous information, must soon or late naturally end in disappointment and disgrace.

Would to God that the decrease of foreign empire were the only calamity we have to lament: unhappily for us, the same system of councils which have lost the empire of America, have likewise involved us in a ruinous war at home.

I readily agree with the noble Duke who moved this address, in laying much of the blame on the perfidy of France. Her conduct has certainly not been consistent with the moral principles of truth or justice; but he must have little acquaintance with the history of mankind, who could trust altogether to those principles for security, against the interest and ambition of a rival state, whose professed objects are wealth and empire.

It never could be reasonably expected that France, of so high a spirit as she is, should forget at once the humiliation of the last war, and neglect the favourable opportunity which we ourselves afforded her, to retrieve her credit and gratify her resentment.

I presume not, my Lords, however, to offer any opinion how far it may be prudent or necessary to persist in a war with France. We seem to be in this untoward dilemma; either we must submit to the indignity which France has put upon us, or for the same reason declare war against every state that shall dare to acknowledge the independence of America.

One thing, indeed, appears very evident, that in the present situation of our affairs, while it is seen that neither our force can compel, nor our propositions lull America into submission; when Great Britain is drained of her veteran troops, and Ireland in a state almost defenceless; when the coasts of France are covered with her armies, and her fleets are spreading over the ocean; when our national credit is so low, and the debt already so enormous; it is evident, I say, that we are not in a condition to contend against the united force of France and America. The attempt would be rashness, and the expence of even victory itself probably prove our ruin.

I cannot, therefore, give my assent to the address, as moved by the noble Duke; because, that although it is specious in its professions of support against the common enemy, yet it gives not the least reason to hope we are to withdraw our forces from America.

I must, however, beg your Lordships will do me the justice to believe, that whatever may have fallen from me upon this subject, has proceeded from no personal or private view whatever; I know it is my duty to support the honour and dignity of the crown, as well as the peace and prosperity of my country.

Happy had it been for both, if Great Britain, while possessed of these blessings, had but known their value, and been content

content to have enjoyed them, with an equal and grateful mind.

Still fortunate had it been for us, if the warning so frequently repeated had been attended to in time, to have prevented things coming to this fatal extremity: the only hope under God's blessing now remaining, is, that as we cannot but be sensible of our political errors, we may have virtue enough ſtill left to acknowledge them; and that henceforth, laying aside for ever the vain idea of unconditional submission, we may once more return to those principles of moderation, which had raised this country to the highest pitch of glory, and which alone can ever render the government of it easy and secure, so long as we remain a brave and free people.

Earl of *Sandwich*. It has been altogether unusual for me to rise on such a day as this, having never been engaged in a debate upon the address; nor should I now, were it not to express my astonishment at the attempt made to put an unqualified and direct negative upon the whole contents. I have been almost forty years a member of this House, and do not recollect another instance, in which a negative has been attempted to be put on the address in answer to the speech from the throne; for what does such a negative import, in its nature and effects too, when considered in the present instance, but that although his majesty comes to Parliament to seek the aid of his subjects, towards defeating and repelling the insidious and traiterous designs of France, openly abetted by our rebel subjects, the proposed negative substantially answers, "we will not?" The usual, I may say, the invariable mode of parliamentary prooceeding, is when either the contents of the whole speech is not approved of by any of your Lordships, to propose an amendment, by which the whole of the address, but the title, is left out, and another introduced under the first title, recommending a contrary or a varied line of measures; or when only certain passages are objected to, by moving to leave them out? or lastly, when additional measures are thought necessary, by making an amendment which shall contain such additional measures. How does the case ſtand? Instead of keeping the title, and moving to leave out the remainder of the address, of omitting certain passages, or adding or introducing another paragraph or paragraphs, the constant usage of Parliament on such occasions, we hear nothing offered this night, but a simple unconditional negative.

As to the address itself, considered upon every principle of sound policy, and every motive of propriety, it meets with

my most hearty approbation, nor can I perceive a single objection of any weight, which can possibly be urged against it; unless an incessant desire of opposing every measure, suggested by the present administration, be sufficient to give energy and force to every thing which a captious desire to find fault may think proper to direct that way. I entirely unite with the noble Earl in the blue ribbon, in his idea of the real question, and approve of his manner of stating it. "His Majesty has told his Parliament, and told them truly, that the kingdom is in danger," and asks their support against France. Will any one of your Lordships call himself an Englishman, or a Briton, and yet refuse your support against a foe, who without the least provocation, has broke through the faith of treaties, and not only has joined America upon principles of commerce, but has actually commenced open hostilities against Great-Britain.

Whatever other motives I had for rising in this debate, I doubt much that I should have troubled your Lordships this night, were it not to take notice of something which fell from two noble Earls over the way, early in the evening.

The noble Earl [Effingham] was pleased to remind me of what had fallen from me several times in the course of the last session. I believe the noble Earl is no stranger to the usages of this House, which forbid the taking notice of, referring to, or arguing upon, any expression which was used in a former debate; but I willingly wave the privilege of refusing to answer; on the contrary, I am much obliged to his Lordship for affording me an opportunity of clearing up the matter, and putting it, should it ever be again mentioned, upon its real and true footing. It has, I must observe, been frequently misrepresented in the news-papers, and within and without this House. I am satisfied the noble Earl had no intention to mislead; yet either through misconception, or want of recollection, he has misquoted my words, and mistaken the obvious sense of them. His Lordship supposes that I said early in the last session, that I would undertake, at all times, to have a naval force equal to cope with, or superior to, any which the united efforts of the House of Bourbon would be able to bring against us. I confess, that these amount pretty nearly to my words; but then it must be considered, that this general opinion had relation only to the home defence; besides, it did not pretend to imply any assertion, that we had such a naval force; but that we ought to have a force, at all times, equal to cope with that of the House of Bourbon. *I am still of the* same opinion, that we ought; nor do I hold myself

myself responsible, as an official man, that we have not. I act merely ministerially, under the supreme direction of his Majesty's councils, and can never therefore by any rule of common sense or common justice, be deemed farther responsible, or bound by any engagement, than so far as I am enabled to perform it, or for the proper employment of the means of defence committed to my charge.

The noble Earl says, that so far from being equal to the united force of the House of Bourbon, we are inferior to a single branch of it, that of France. This I deny, and am ready to meet his Lordship upon the proof, and that upon the most incontrovertible facts. I am ready to maintain it, as a general position, or enter into particulars. The western squadron, under Admiral Keppel, was superior to that of France; the number that engaged it, 'tis true, was equal; but in point of effective strength, ours had the superiority: D'Orvilliers was obliged to bring two-fifty-gun ships to fill up his line; so that we had thirty ships of the line in the engagement off Brest, while France had only twenty-eight. Again, though the number had been equal, we carried 170 guns more than they did. When Mr. Keppel went out the last time, our superiority was still greater; for we had then thirty-three ships of the line of battle, among which there was an encreased proportion of three-deckers, and of course of guns; which I believe amounted to upwards of 200 more than were carried by the French squadron; whereas that under D'Orvilliers never exceeded twenty-eight, all of seventy-four guns, or under, except two three-deckers. On the Leeward Island station, Admiral Barrington; at Jamaica, Sir Peter Parker; and in North America, we were confessedly superior. The only place where we were inferior, was in the Mediterranean; there a naval force was not so much required, our fortresses being so well prepared; upon the whole, therefore, instead of France being either equal or superior, they fell very short of us, except in the instance already mentioned; we were most certainly considerably stronger than them in the Bay, and North America, which were the places which called for our greatest attention and most vigorous exertions.

Another noble Earl [Bristol] has affirmed that our navy is ruined, nay almost annihilated; and that an enquiry ought to precede your Lordships giving your assent to the motion for an address. However high the noble Lord may stand in the line of his profession, I differ from him both as to the fact, and of course the propriety of the deduction he has

drawn from it, the necessity of an enquiry. I am not against an enquiry, upon a proper occasion, and at a convenient season; but I think enquiries are matters of a serious nature, and ought not to be taken up on every trivial occasion, or light and loose suggestion. Enquiries into the conduct of men in high stations, and superior commands, imply some foundation for censure, no matter who may be the final object of it; it therefore behoves your Lordships to be persuaded, that such a ground exists, and not pre-suppose it does, upon loose discourses, floating opinions, and mere suggestions. All I can say, so far as it can be thought to reach me, is that I shall never be the person to stifle an enquiry, or shrink from it myself. If however my opinion were asked, whether I thought there ought or ought not to be an enquiry set on foot? I should fairly and candidly answer, that I think not.

I am ready to acknowledge, that the success of the western squadron has not answered the public expectation; but that no more renders an enquiry necessary, than any other event in which the fortune of war is known to predominate. I dare suppose, that the two gentlemen alluded to by the noble Lord [Admirals Keppel and Palliser] performed their duty gallantly and ably; and if they, in the issue of the day, fell short of the public expectation, it is only to be attributed to those accidents to which the naval service is more subject than any other; and which it was impossible for the utmost skill, zeal, and bravery, to remedy or prevent.

The noble Lord has asserted, as a positive fact, that the British navy is annihilated. I am not ashamed to tell the noble Earl, that he has been grossly misled and misinformed. The British navy is not annihilated; but the very reverse, being in a most flourishing and respectable condition. I am ready to acknowledge, that we were much too slow in our naval as well as military preparations; which tardiness, I am apt to believe, proceeded from a mistaken lenity, and in giving a degree of credit to the assurances of other powers, to which, as the event has proved, they were not entitled. I am thoroughly satisfied, if earlier and more decisive measures had been adopted, the revolt of our colonies would never have risen to the formidable height it has, nor brought along with it those alarming consequences which we now feel in part, and every friend to his country has reason to lament; but it should be considered, that the constitution under which we live does not admit of early and decisive exertions; that mixed councils are subject, from their nature, to difference of opinion; that the affairs of state are subject to various discussions;

cussions; that the consequence of this form of transacting public affairs never fails to create parties, who entertain contrary opinions on the measures submitted to their consideration, the final effect of which is, that we are tardy at the commencement of a war in our operations, and often lose those favourable opportunities of availing ourselves of our native strength, which scarcely ever after return. But if the noble Earl, or any other person, will say, that we have failed in point of preparation or expedition, or fitting out and augmenting our naval force, since France has openly avowed her intentions, I am ready to prove the direct contrary; for though hostilities, or preparations for them, only commenced in March, I can prove that the navy, at this instant, is in a more respectable state than at any former period within the same time. Nay, I am ready to prove, that in the course of the ensuing twelve months, which will be only the second year of the war, the navy will be nearly, if not entirely, equal to what it was in the fourth year of the last war; for in the year 1759, which was the fourth of the last war with France, our whole force consisted of no more than ninety-seven ships of the line, seven of which had been taken from the enemy; and I will be bold to affirm, that our navy, at the end of twelve months, will be little, if any thing, short of that complement.

With regard to the best officers being recalled, I am equally at a loss to guess the noble Lord's ground of assertion. No naval officer, that I recollect, has been recalled but Mr. Graves and Lord Shouldham; neither of these admirals were recalled in the manner the noble Lord describes, to be dismissed or disgraced; but merely to be employed upon other services. If others were recalled, they were recalled at their own request; the charge of disgrace or ill treatment, can apply to neither description; your Lordships will therefore judge how far the noble Earl's assertion is or is not supported by fact.

My Lords, I cannot help being much surprized at the mode of opposition given to the present proposed address; because, in my opinion, it falls little short of an act of political suicide; for it plainly goes to this, an abject submission to any terms which France may think proper to impose, or an actual surrender of every one of our dependencies, nay, of the kingdom itself. But suppose that we were willing to purchase peace, at what price would the noble Lords, who have declared their intention of giving a negative to the measures recommended in the speech, be willing to purchase

it? The public prints, and general conversations, have talked of great concessions; they have, in some instances, been specifically pointed out. Now, allowing that peace might be purchased upon such ignominious and disgraceful terms, how certain could we be, that those concessions would not be followed by other demands of a more humiliating and insolent nature? Or, supposing that they would not, what surety could we have that others [Spain] when they found us in the temper of granting, would not in turn improve this conceding disposition to their own advantage; till at length every one of our possessions and dependencies, our commerce, and every other benefit, would not be desired, as a sacrifice to the ambition and avarice of our treacherous and inveterate enemies? The noble Earl who spoke on the other side [Lord Derby] asked, were we to go to war with the whole world? No, we are not to challenge the whole world, but if all the world will make war upon us wantonly, and without cause, we must necessarily oppose all the world. [*A little disorder.*] Let noble Lords understand me, I do not mean to have supposed, that all the world will unite against us, but only if they were to attack us, we must endeavour to defend ourselves; a person attacked will naturally resist his assailant. His Lordship said, he would never consent to any concession whatever; recommended unanimity, and the most decisive and vigorous exertions; and said, he would give his hearty assent to the address, as moved by the noble Duke.

Earl of *Bristol* said, he would never sit silent when such gross impositions were attempted to be put on their Lordships, and the nation at large. He had declared his intention of reserving what he had to offer upon the subject of the navy for a separate day. He now repeated that assertion, and assured the noble Earl [Sandwich] that however he might endeavour to misrepresent his words, or make little of such an enquiry, if the noble Lord himself did not take some step to bring it before that House, he pledged himself, be his health ever so indifferent (so that illness did not render it impossible for him to attend) in order to give his sentiments, sentiments arising from the very best information that could be procured, he would himself do that friendly office for the noble Lord. Perhaps the noble Lord was not so eager as he seemed to be: he did not mean to trouble their Lordships when he rose the first time, but now he was up, nothing should prevent him from speaking his mind.

The enquiry, though directed to matters much more comprehensive, including the conduct of ministers themselves, he declared

declared pointed to the matter particularly alluded to by the noble Earl; the conduct of the commanders in the naval engagement off Brest. The truth was, that Mr. Keppel assured him, he would never resume the command of the western squadron, till that affair was thoroughly enquired into, and sifted to the bottom. He could never think of serving with a man who had openly attacked him in the public papers by name, and had acknowledged it under his hand: the person he meant was the vice-admiral of the blue; and for his part [Lord Bristol] he thought the admiral's resolution was founded in prudence and good sense; for how was it possible that any success could be expected from persons serving under such circumstances of enmity, and so widely different in opinion?

His Lordship said, he would never esteem a fleet upon paper. It was the condition of the ships, the way they were manned, both as to number and quality; whether with a disproportion of landmen and ordinary seamen, that constituted the effective strength of a fleet, not the mere number of ships, their rates, or weight of metal, &c.

The noble Earl had stated the number of ships of the line, which constituted the effective part of the British navy in 1759, the fourth year of the late glorious war, and at the same time artfully declined saying how many ships of the line we had manned and ready for actual service at present. Let Lords recollect what was the language of the noble Earl, the preceding year, and let them compare it with the present state of the fleets of Britain and France. We were then to have eighty ships of the line ready for sea, by the end of the present year; we then were and would be superior to any force France or Spain could send against us; but instead of eighty line of battle ships, we had not sixty; and instead of being superior to the united force of the House of Bourbon, we were not, as had been fully proved in the course of the summer, equal even to France alone. The noble Earl's plausibility and affected candour should not impose upon him, or gain a moment's credit in his mind. The noble Earl talked very coolly, and pretended that he had no objection to an enquiry, though he would not move for one. By this conduct, the noble Earl was guilty of a shameful neglect of duty. He should immediately have moved for an enquiry into the affair of the 27th of July, as the only means of preventing the interference of party or faction, to mix itself in the matter. The nation ought to be informed, and it was highly criminal, in his opinion, to attempt to keep it in the dark.

His

His Lordship concluded his speech, with expressing his hopes, that the real authors of our present calamities would be discovered, whenever the day of national enquiry came; and that as a consequence of it, they would meet with a punishment suited to the atrocity of their crimes, their intrigues, whispers, and dark cabals.

Earl of *Sandwich* in reply said, he had not altered his opinion respecting the impropriety and inexpediency of an enquiry into the affair of the 27th of July, though he had no objection to an enquiry which might be directed against himself, in either his cabinet or official situation. If we had not actually come off victors, by destroying, &c. so many of the enemy's ships, the consequences were, in every other beneficial respect, equal to a victory. We obliged the enemy to retire into port; and when the squadron went out a second time, D'Orvilliers was no longer to be seen or heard of, by which means our commerce was effectually protected, and that of our foes almost entirely ruined. He was satisfied, that both the admiral and vice-admiral performed their duty; and how any implication of censure could lay on either party, till the affair was enquired into, was more than he had the sagacity to discover. He was upon very delicate ground indeed, but as he found himself called upon in such a particular manner by the noble Earl who spoke last, he thought it his duty to say a word or two on the subject, lest it might get out, that his silence imported any or the least degree of blame on either of the gentlemen.

No man living had a higher opinion of the admiral than he had, respecting his ability and gallantry as a seaman, and his veracity as a man. Upon the same ground, arising from a like degree of knowledge, he was justified in a similar opinion respecting the vice admiral, who likewise, he had every reason to believe, acquitted himself with honour; besides, in the admiral's official letter he expressed his highest approbation of the conduct of all the officers of the squadron, among whom the vice admiral must of course be included. The commander in chief's letter, if no other ground of justification existed, was, with him, a sufficient reason for not calling for an inquiry.

He had many other strong motives which induced him to be totally averse to an enquiry; a few of which, with their Lordship's permission, he should take leave to enumerate.

An enquiry, he said, would be as mischievous as another defeat; he meant, he said, of as bad consequence as a defeat, because

cause it would divide the officers and seamen into factions, and private cabals, according to their respective sentiments, than which nothing could have a worse tendency, or might produce more pernicious effects; but suppose it did not, such an enquiry would take up a great deal of time, would require the attendance of all the principal officers from their proper duty, whose presence and services against the common enemy would be wanting; and would in a great measure retard, and perhaps defeat, all the measures of the ensuing spring and summer. He did not speak speculatively, but from facts of which himself was a witness, and from a thorough conviction, from past experience, that similar causes would, in a greater or less degree, produce similar effects. Such precisely were the consequences of the enquiry into the miscarriage of Matthews and Lestock, in the Mediterranean; the navy was split into parties and factions, the absence of the principal officers, present or absent on that day, was necessary, either as judges or witnesses, by which the naval armaments were neglected, or suffered to stand still; the enquiry raised a kind of commotion in the nation, every person almost taking one side or the other; and at the conclusion no one good purpose was answered, but the whole terminated to the dissatisfaction of the nation, and established no one rule whatever, which might serve to lead or direct the conduct of naval commanders, or those serving under them, in future.

The Duke of *Bolton* said, he was for both a public enquiry into the conduct of ministers, and a particular one relative to the transaction which had now so long furnished the subject of debate. He said he entertained the highest esteem and respect for the admiral, whose name had been so often mentioned, was thoroughly sensible of the deserts of the vice-admiral, and was heartily sorry that there had been any occasion given for a difference of opinion between them. Yet he could easily conceive, as a professional man, that such a difference might arise. It was well known, he said, that in naval engagements with France, it was the general plan with their admirals and commanders to avoid coming to an engagement; and when from necessity they were compelled to engage, it was equally notorious, that from the construction of their ships, and their mode of attack, which was chiefly directed against the sails and rigging, they had, except in very few instances, been able to avoid a decisive engagement: indeed, the fact was, that although many of our ships were enabled to come up, and force them to defend themselves, he did not recollect more than one or two instances, where the whole body, en-

gaged

gaged with an equal, or nearly an equal, number of the enemy, came up time enough when the enemy wished to retreat or fly.

After his Grace had expressed his sentiments on this subject, he proceeded to answer the speech delivered by the noble Earl at the head of the admiralty. The noble Earl's arguments, he observed, went to condemn all enquiries, however just or necessary; he said, that an enquiry would probably be the cause of splitting the navy into factions; that it would keep the officers from their duty; that it would produce a public ferment; and more than all, that it would retard the necessary measures for defeating the designs of the common enemy; and, of course, give them an advantage over us, which every other circumstance united to deny. Before he proceeded further, he contended, that these reasons militated against every enquiry, though attended with the most atrocious circumstances of treachery, cowardice, or criminal neglect. But the noble Earl had referred to a case in point, in support of his arguments, the affair of Lestock and Matthews. Now every material objection and inconvenience felt upon that occasion might be avoided; for the real cause of the difficulties so much pressed by the noble Earl, might be easily remedied, by having the enquiry at Portsmouth or Plymouth, where the officers might, till real operations at sea became necessary, be employed in the discharge of their duty. In Matthews and Lestock's affair, the great mistake was, that the court-martial was held at Deptford, by which means the inconveniencies so much dwelt on by the noble Earl were caused; and as to the difference of opinion among the officers, that was a matter unavoidable, because it was impossible to force the opinions or sentiments of professional men; in his opinion, therefore, the only sure means to reconcile them would be by a candid and fair enquiry, by which every dispassionate man would be enabled to ultimately judge for himself, after a full investigation, and hearing the parties in their defence.

His Grace reminded the noble Earl of his repeated boastings, and said, he was astonished to hear his Lordship acknowledge, that decisive measures were not taken in time; that the fleet, previous to the declaration of the French minister, was not as strong as he thought it ought to have been; when he had heard the noble Lord so often in the course (in almost every stage) of the American contest, declare, and pledge himself to that House and the nation at large, that our navy was in a state every way answerable to the immediate services required of it; and likewise in such a state of preparation,

tion, that in case of a rupture with France or Spain, or the whole House of Bourbon, we should be able to defeat their utmost efforts.

His Grace next turned his attention to the comparative strength of the British and French navy, and after asking whether the former was equal to the latter in the East or West Indies, in America, or the Leeward Islands, answered his own question with an emphatic No! He contended, that upon enquiry, however confidently the noble Earl might have asserted the contrary, that the superiority was against us, though perhaps we had it in number, and that only by two or three ships: but, says his Grace, supposing we had the superiority over the French single handed, what will that amount to? Will he confine himself to that single position, and endeavour to stifle and conceal the true question, depending between his Lordship and me upon a former occasion? Will he dare to assert, that our navy is superior to that of France and Spain united? That was my argument then, and I now repeat the question. [See Lords Debates of last session, page 254, et seq.] The speech authorises me to put it, because, if the assurances of other powers, by which I presume Spain is meant, are not to be entirely relied upon, then a negative to this question will be an acknowledgment that the speech recommends measures which must of course terminate in our certain ruin and disgrace. He adverted again to the affair off Brest, and reminded their Lordships of his argument in a former debate [See Lords Debates of last session, page 156] wherein he maintained that a superiority was necessary to ensure success in naval engagements; and that superiority being wanting on the 27th of July, he was free to declare, was the chief cause of the national disappointment; for he would never allow that it was the number of ships or guns, but the condition, &c. of the ships, and every thing dependent upon it, that a real superiority was grounded upon.

His Grace condemned the neglect of not having more admirals in the engagement off Brest. He said, there ought to have been five or six; that it was impossible to bring up the several divisions in thick or bad weather, particularly if the ships were scattered, or at a distance. There was always a difference in the sailing of them, and the greater or lesser celerity of their manœuvres, which might breed confusion. He made use of the same observation respecting the fleet under Admiral Byron; on which, in case of any accident to the first or second in command, there would be but one flag to command twelve or thirteen ships of the line, which was the more inexcusable,

inexcusable, when it was known that there were no less than forty-one admirals on the list; and a recent appointment by which Captain Lockhart Ross was to be entrusted with twelve sail of the line. He knew that Captain Ross was a most able and active officer, and first on the captain's list, but he could never approve of an appointment, which in case of a disaster or engagement with an enemy, must subject the squadron to a most fatal confusion.

The noble Earl had himself acknowledged that we were inferior to France in the Mediterranean, a most shameful and criminal neglect! The trade carried on thither, was one of the most valuable and beneficial branches of our commerce; it had been hitherto suitably attended to, and till the present war, had never been so disgracefully neglected. The noble Earl had not been so ingenuous respecting our maritime force in America; he must know that we were inferior in line of battle ships to France, in that quarter of the globe, else why did Lord Howe attempt one of the most officer-like manœuvres ever practised, in order to render his inferior force equal to that of D'Estaing off Rhode Island, to be the better able to give the signals, and conduct the engagement? Did not he hoist his flag aboard a frigate for that purpose? And did not he thereby exhibit a proof of his gallantry and ability, as truly magnanimous as it was original? He bore the warmest testimony to the courage and capacity of that very great officer, and made no doubt, if the plan had not been rendered impracticable, by the two fleets being separated by a violent storm, that it would have succeeded to the disgrace of France and the honour of the British flag. He insisted, that we were not superior in the West Indies, and as the best proof that we were not, he adverted to the late capture of Dominica.

His Grace laughed at the idea held out by the first lord of the admiralty, that we had more guns than the French in the engagement off Brest, on the 27th of July; and contended, that it was not a superiority worth mentioning; that to be equal in force, was to have thirty ships opposed to thirty ships, and so in proportion. He recommended, however, to the noble Earl, to beware not to trust too much to an equal force. We had too much to stake on a decisive naval engagement, to trust to the manifold hazards such a species of warfare was subject to. The old vulgar opinion, that one English ship could beat three French, though our seamen deserved such a compliment, was dangerous to rely on; if such absurdities came to mix in our councils, certain destruction would

would be the consequence; it should be likewise considered, that France only contended for additional power, while we were compelled to fight for our all. America was at first to have been frightened into submission, by two regiments; afterwards it was to be conquered by 5000 men; the consequence of which bravado was, that our numerous forces found the conquest of America too difficult a task for them to atchieve. Let not their Lordships therefore despise France as an enemy, lest in this instance, Great Britain should have much more serious cause to lament her ill founded confidence, than she had already experienced in the case of America.

His Grace went over the ground of the debate last session relative to the sailing of the Toulon fleet, and the expediency of detaching the Portsmouth fleet, in order that Admiral Byron might reach New York and reinforce Lord Howe, previous to the arrival of D'Estaing in America; and after having contended that ministry had acted egregiously wrong, in almost every particular relative to the conduct of the navy, declared that the French were at this hour cruizing in the chops of the Channel, and that they were masters of the chops of the Channel, a circumstance entirely new in the history of our late wars, and which was a fresh ground for an impeachment.

After travelling over a most extensive field of naval politics, his Grace spoke to the King's speech, and descanted for some time on the words "conciliatory measures," it was true that ministry had last year, when they found themselves inadequate to the task of conquering America, sent out conciliatory propositions; such propositions, that if terms only half so advantageous to America had been held out by good men and men of character, men whom America could have confided in, three years ago, they would have been accepted with joy, and the vast expence of blood and money which the contest had cost, both Great Britain and America would have been saved. But it was madness to expect America to listen to any proposals made by men whom they knew to be the authors of all the mischief which had happened, and whom they all knew were hated and despised at home. His Grace concluded his speech with giving his negative to the address.

Earl of *Shelburne*. This noble Lord's speech contained such a diversity of various matter, that we shall attempt to arrange it under the several leading heads of facts and argument. These consisted of the gross impositions put on the sovereign; the treatment of Admiral Keppel, respecting the

affair of the 27th of July; the general conduct of administration; and the folly and inconsistency of their measures as to the prosecution of the war in America; the inefficacy and radical weakness of the conciliatory bills of last session; the instructions given to the commissioners sent to America; the loss of Dominica, and the neglect of the sugar islands; the true political connection that ought to be kept up between the mother country and the revolted colonies; an eulogium on the high naval abilities of Admirals Lord Howe and Keppel; his own particular sentiments respecting the state of public affairs, and of party; and the means hinted at by the noble Earl in the blue ribbon [Suffolk] for compelling America to acknowledge our claims of sovereignty over them.

The first head he introduced by several observations on the speech. It behoved their Lordships before they consented to an address, which was a literal confirmation of every syllable contained in the speech, to be first satisfied that the assertions therein contained were true. Was there one Lord in the House would say, that all those assertions, or indeed any one of them scarcely, were true? He therefore drew a very different deduction from the noble Lords in administration, who say, that a general negative is an implied proof that the particular passages are unobjectionable, because no amendment has been proposed for the purpose of proving the truth of the objections: for his part, the contrary appeared to him to be the case; the noble Lords on his side of the House have testified their readiness to agree to an address, but not that to which this concurrence is desired. After supporting the propriety of a general negative to the address, he said, he hoped the King's eyes would be at length opened to his own honour and dignity and the interests of his subjects; nay the very existence of this country as an independant nation. He must now, surely, see the impending ruin and destruction which seemed ready to fall upon his kingdoms; and not persevere in upholding men, whose wickedness, folly, and avarice, could only be equalled by their obstinacy, and that at the risque of his crown and empire. When in a very high office, he said, he had an opportunity of being frequently a witness to the wisdom and gracious disposition of his Sovereign, and confessed, that it appeared extremely mysterious to him, to reconcile his Majesty's conduct with his many known public and private virtues; but if his Majesty had been

been unfortunately misled, he trusted, that his paternal regard for his own family, his affection for a most amiable consort and thirteen children, would operate upon him, and make him seriously reflect, and look forward to the probable consequences; that the present and approaching distresses which must every day continue to accumulate and press upon the people, whose prosperity and security were committed to his care and protection, would have their due weight; and that he would not, upon the suggestions of weak and wicked counsellors, or from any extraneous influence, rush blindly on in the same fatal career which had already brought the crown and empire of Britain to the verge of ruin; there must therefore be some invisible hand that secretly moved all those counsels, whom it behoved every honest Whig, within and without that House, to discover and bring to condign punishment.

On the second point, he affirmed, that Mr. Keppel stood in the most disagreeable, mortifying and critical situation. Mr. Keppel is offered a command by his Sovereign, when the kingdom was threatened with an invasion. Too much a patriot to consult his own feelings, and too gallant to look forward to consequences, he accepts without condition, or any previous terms. What is the consequence? Mr. Keppel finds at home a first commissioner of the admiralty, professing very different sentiments; a kind of rival, who might be supposed to look upon him with some degree of jealousy and coolness, because pointed out as the fittest person to fill the first commissioner's place. What is next to be considered? One of his officers, a vice admiral, sits at the same board, and was called to it by the first commissioner. Under such peculiar circumstances, sufficient in his opinion, to lay a foundation of the justest suspicions of faction, Mr. Keppel proceeds to the performance of his duty. He engages the enemy, and after a smart brush, prepares to proceed to a more decisive determination of the contest; when one of those gentlemen, unable to come up to his assistance, the enemy are permitted to escape. The gentleman alluded to publickly throws the blame on the admiral; and the noble Earl very laconically tells us, that neither the admiral, nor the gentleman who accused him, were in the wrong; that there is no need of an enquiry; that the admiral himself gave testimony of the gallant behaviour of the vice-admiral of the blue; and thus by private whispers, public accusations, and general implied prudential motives, the comman-

der in chief is as completely disgraced as if he had almost been brought to a public trial by his Peers, and declared guilty. His Lordship then proceeded to make the eulogium of both Lord Howe and Mr. Keppel; the latter, he said, on his first going to sea, had saved his country by returning to Portsmouth, when he found that the French fleet was superior to him, his squadron consisting of twenty ships only, while the enemy's consisted of thirty. This conduct proved that the seaman and politician united in him; that he acted as the saviour of his country on that occasion; and deserved to have a statue erected to him at the public expence, and the thanks of both Houses of Parliament; for if he had not acted as he did, probably their Lordships' would not be deliberating within these walls; two consequences being equally clear, that if he had obeyed his instructions (the departure from which, was a matter he risqued merely at his own peril) the great disparity of force must have rendered his total overthrow inevitable; the other, that we should have been instantly invaded by such a land force, as it would be utterly beyond our power to resist. He was equally lavish of his encomiums on Lord Howe; who, he said, had acted with a mixture of gallantry, prudence and seamanship, both at New-York and off Rhode Island, scarcely paralleled in the naval annals of this country. Such men as Lord Howe and Admiral Keppel, he said, were public property; their services were inestimable, and, in his opinion, we had better lose another of our islands, than either of those men.

On the third head, his Lordship dwelt some time on the want of wisdom in sending the transports to Philadelphia, after ministers must have known from their own instructions, that the city had been evacuated. Great praises had been lavished on the fine retreat made from thence by Sir Henry Clifton, but when the truth was known, it would be found that it was accident, or rather the unpardonable blunder of administration, which was the occasion of that retreat; that it originated not in choice but mere necessity; for the fact was, that transports could not be procured; and that Sir Henry Clinton was, upon that account, obliged to go by land; or if he had waited a few days longer, both the fleet under Lord Howe in the Delaware, and the army, must have been sacrificed, or obliged to surrender. Again, what were the instructions given to Admiral Byron? To repair to Halifax, instead of proceeding to New-York, to support

support Lord Howe. The whole, he said, was such a series of blunders as never before was known. If, instead of amusing his Majesty with a naval show at Portsmouth, or the officers with catches and glees, and kettle-drums, the fleet had been detached, which show was exhibited early in May; or, if after this exhibition was over, Byron's fleet had worked down the channel, he would have arrived in time to have joined Lord Howe, or taken the command of the whole, which would have given him such a superiority over D'Estaing, as would have totally effected that officer's overthrow. He meant no disrespect to his Majesty, when he found fault with that show, for he knew enough of his disposition to affirm, that he would never have thought of it, much less have impeded the preparations then going on, if it had not been pressed upon him, perhaps to divert his attention from objects of a less pleasant nature to those who proposed it. It was, indeed, much insisted, about that time, that the wind was unfavourable for the squadron's working down from St. Helen's to Plymouth: but that was a farce, and the contrary was known to every foremastman in the navy; a single ship, or a squadron of any number of ships, may with ease work down in gentle gales and a smooth sea; the truth of which was verified in Admiral Barrington's working down under the same circumstances, and the Victory coming round from Chatham was a further confirmation. Under this head he likewise adverted to the conduct of Sir Henry Clinton, for whom he declared to have a very high respect, and made no doubt of his abilities as an officer, nor of the opportunities he had of learning the art of war, under the Prince whom he immediately served, [Hereditary Prince of Brunswick;] but still he could see nothing extraordinary in the trifling repulse he gave the rebels, at the head of a superior army, and with the loss of 1000 veterans, as good troops, and as well disciplined, as any in Europe. One thousand men, he allowed, was nothing in the eyes of ministers. General Clinton, according to their mode of estimating matters of this kind, had just eighteen times as much merit as if he had lost his whole army; and that was the only comparative or relative advantage which he could perceive was the consequence of this famous retreat, which had been so extolled and insisted upon in the ministerial prints. This led his Lordship to consider the conduct of government towards an unfortunate General [Burgoyne.] With regard to that gentleman, he said, he had been treated in the most extraordi-

nary

nary manner. He was charged with carrying measures into execution, which were wild, romantic, and impracticable, under the circumstances which accompanied them. He had neither the force promised him, nor the co-operation expected for their full and perfect completion; the consequence of which was, that he and his gallant devoted army were made prisoners. On his return to Great Britain, he was simple enough to be jealous of his honour, and retained some of those explosed sentiments, and old-fashioned feelings, which ministry wished to be forgot. What was the language of ministers? "Be silent, we do not accuse you, and no doubt but you have done your country justice. Perhaps you are uneasy about your army; why should that give you any concern? We shall not find fault; let the army desert or starve, what is passed cannot now be retrieved. Stirring up that affair may be productive of public clamour; it can answer no end, but that of embarrassing administration. Do you make no noise or disturbance; the affair will soon drop of itself, and you cannot fail of having your account in being under the protection of government."

On the fourth head, he said, the conciliatory bills were radically weak, both in respect of obtaining the ostensible purposes declared, and still, if possible, more radically weak, if they had succeeded; for the dominion or connection proposed by those bills amounted to just nothing. There could be no real union upon such an heterogeneous, discordant, and contradictory system. A real union must be formed upon the plan of the British constitution, which at all times supposes one will, and every consequence and effect deducible from that will. To propose a plan of conciliation, in which that fundamental principle was abandoned, or openly, or implicitly relinquished, was, in his opinion, no better than, under the idea of conciliation, introducing weakness, anarchy, and every species of political confusion. A controling and directing power must be placed somewhere; its exercise, he allowed, might in some certain cases be ascertained and limitted; but the analogy to the British constitution should be preserved; without a tie of common interest, common danger, and common protection, all government was a farce; the executive and legislative powers of this country being cut off from all real communication with the internal legislation of the several colonies, would form such a system of human polity as never before entered into the mind of man to conceive. The executive power may be delegated, not divided; the

the legislative may: but to the great purposes of government there must, according to the spirit and letter of the constitution, be but one will.

On the fifth head he laughed heartily, he said, at the idea of freeing America from every species of British taxation, and yet permitting deputies from the Congress to sit in Parliament, for the purpose of taxing the people of this country. He was no less pointed and sarcastic upon the offers held out by the commissioners, of paying the debts of America, contracted in resisting the mother country, and in acts of what had all along been described by the majority of that House, as the grossest, blackest, and most unprovoked rebellion. He said, the appointment of commissioners, and giving them their instructions, was totally taken out of the hands of Parliament, and yet the measures were solely attributed to Parliament. Here his Lordship digressed, to shew, that the bills, the instructions, and the persons appointed to carry them into execution, exhibited so many proofs, that if the objects proposed by the bills were previously intended to be lost, more effectual means for that purpose could not be adopted. In explaining this point, he entered into detail. The minister had put it into the King's mouth, that the late measures proposed by the commissioners to Congress, had been planned by the temper and wisdom of a British Parliament, than which nothing could be more contrary to truth. The measures, even as they were chalked out in the bill, were not planned by Parliament; and though they had, the offers made by the commissioners were not the offers held out by the bills. The truth was, Parliament had passed an act for the appointing of commissioners, but Parliament neither had a share in their appointment, nor the instructions under which they acted. Parliament was kept in a state of the most profound ignorance, of the use which government meant to make of the power thus delegated. How did they employ it? Just in the manner predicted by several Lords in that House, when the bills came under their consideration, that they would abuse that power; that it was no more than a meer ministerial trick, to gain time; that they neither wished or expected success from the commission; and, that they only meant to throw it out to divide the councils of America, to wait for favourable circumstances and events, and in the mean time to retain their power and places. How then could it be said, that Parliament planned the measures of conciliation, which were rejected; when it was evident, that

that they have done nothing more, than devolving their power on the Crown, and left the exercise of those powers to the discretion of ministers.

He said, that he had dedicated a great part of his time, in the course of the preceding summer, to the persual of books, particularly to such as treated of the conduct of kingdoms and great states, in difficult and trying situations. In those researches, he endeavoured to apply what had happened in former times to the existing circumstances in which this nation at present stood. The first object which would strike an able minister, after he had fixed upon his plan, was to devise the most probable means of carrying it into execution. This could not be in any other mode so effectually executed, as by sending able, wise, experienced men; men of high rank and tried abilities; men who stood high in the opinion of the public, such as Congress might be supposed to have a certain species of confidence in; that is, whose personal assurances would not only procure credit from those to whom they were sent to treat, but likewise of that degree of weight and consequence at home, as would ensure a ratification or approbation of such engagements, as they might think proper or necessary to enter into, as the representatives of the Crown and Parliament of Great Britain. He meant no personal disrespect to those delegated to treat with Congress; nothing could be farther from his thoughts. He had not the honour of a personal acquaintance with the noble Lord, who went out at the head of that commission, nor with the other gentlemen, who acted under it; by every thing he could learn, they were persons of worth and character: but he would put the question fairly and openly to their Lordships, if they were men of that particular description, which could promise success to so arduous and important an undertaking? Were they persons of that great weight, popularity, importance, and character, for wisdom fit to treat, or fit to procure the confidence of those with whom they were to treat? He was certain, that there was not a single Lord present, not one even among administration, who would pledge his word, and assure that House, that he believed the affirmative.

Among many others, he should advert to two instances, which he read lately, one drawn from antient, the other from modern story, to shew the public prevalent opinions of two wise and renowned states, the one related by that celebrated historian Thucydides, the other by that great man, Sir William Temple. The first was a description of the persons sent

sent on a deputation from Sparta to Athens, who, as the historian remarks, were received with the most perfect attention and respect; and whatever they proposed obtained almost implicit credit; because, says the Greek writer, they knew the deputies to be persons of great reputation in their own country; that they were grave, wise, and experienced men, of public virtue and private integrity; and that whatever terms they offered or acceded to, would be approved of and confirmed by the state, who sent them. The second instance was that of the embassy of Sir William Temple, who, when sent to Holland at the conclusion of the last Dutch war, in order to enter into the measures for defeating the designs of France against that republic, was complimented by one of the States General on his arrival at the Hague, who told him, that he esteemed him the harbinger of fine weather, and sunshine, like the swallow.

The Hollanders knew, that the appearance of Sir William Temple portended good; they knew his character; they were persuaded, that wisdom and moderation prevailed in the councils, which dictated the appointment; that he was not the tool of a junto or cabal, nor would submit to be the instrument of any faction, or any party; they had before experienced his wisdom, his moderation, his firmness, and independent spirit; they might well, therefore, draw the most happy omen from seeing him; because they foresaw, that England was in earnest, and determined to be sincere. Would to God! cried his Lordship, that we had another Sir William Temple, who might go as a swallow to America, as the fore runner of summer and sunshine. He then observed, that most certainly, none but men of gravity, wisdom, of high character, and great and tried abilities and integrity, should have been sent upon the errand; an errand or embassy, he would venture to affirm, taken in every one possible point of view, of the greatest consequence that ever was sent from this country. Indeed, as the noble Duke, who moved the address, had said so much, and expressed such strong wishes for a reconciliation with America; he was surprised, that he was not sent, in order to effect, what he seemed to have so much at heart. He assured his Grace, he meant it seriously, and should accompany it with this declaration, that at such a crisis, and on such an occasion, he thought no man at liberty to refuse the acceptance of such a trust, who should be applied to.

His

His Lordship having held out the commission, the powers given by it, and the absurd concessions relative to the liquidating the debts, and giving deputies, from the respective states, seats in the British senate, as part of those instructions, contrasted those extraordinary propositions, with the current language of Parliament, since the commencement of the American contest. Parliamentary supremacy, unconditional submission, formed part of the daily boastings of ministers, in that and the other House. He reminded their Lordships of what he had formerly told them, in the midst of this haughty, insolent, and vain-glorious boasting, that the time would come, when they would be compelled to alter their stile, when they would be obliged to sue in the most abject and humiliating terms, to do penance in sack-cloth and ashes, and crave pardon of those very Americans, whom they had so insolently treated, and on whom they had heaped so many repeated injuries, and such signal oppression and injustice. The prophecy was already fulfilled. We had humbled ourselves, to use an expression of the noble Earl in the blue ribbon, and in high office [Suffolk] at the foot of that vagrant congress, which no man could say, where they were, or whither they intended to go next.

On the next head, that of the hint given by the noble Earl in the blue ribbon, of the intended mode of prosecuting the American war, in order to compel the colonies to accept of terms; this, he had a right to presume, related to an intention of burning their towns, using the tomohawk, desolating the interior country on the confines of the back settlements, and carrying fire and sword among the defenceless and harmless inhabitants, among old men, women, children, and infants. This, he had a right to suppose, were the means which God and nature had put into the hands of ministers [alluding to an expression of Lord Suffolk last winter] as the noble Earl was silent in answer to the question put to him, by a noble Earl [Derby] early in the debate; and if any doubt had remained on his mind, a proclamation issued by Governor Tonyn, in East Florida, offering a certain reward for every scalp delivered to persons appointed to receive them, put it beyond question. Of such a plan he expressed the highest and most utter detestation and horror. He said, the plan was diabolical, horrid, impious, and inhuman; and called most particularly for the vengeance of Almighty God. It could not be men, but monsters that devised it. He said, it was as weak and impolitic as wicked, barbarous, and unchristian;

christian; and if the language of ministers was to be believed, that France and America composed but one enemy, the conclusion was evident, that retaliation would be the consequence, and that instead of leaving our dependencies open to butcheries of a similar kind, our whole coast at home would certainly meet a like treatment, the French privateers would make continual landings on our shores, and desolate all our villages and defenceless towns; in short, the horrors, massacres, devastations, and bloodshed that would ensue, were shocking to think of, and must, in the end, draw universal execration and public punishment upon the bloody, cruel, and relentless authors of them.

His Lordship proceeded, and spoke on the capture of Dominica, which, he said, would be probably followed by some other events of a similar nature. He said, the four islands, Grenada, St. Vincent's, Tobago, and Dominica, had but one battalion, composed of 171 rank and file; the whole West-India islands but 1200 effective men; and Dominica no more than forty-one fit for actual duty, though there were 64000l. spent on the fortifications alone, and upwards of one hundred and sixty pieces of cannon and mortars on the island, at the time it was taken; which was not only a considerable loss, but a great mischief; as it answered every end of a military arsenal, and saved our enemies the trouble of transporting ordnance from Europe at a great risque and expence, for the purpose of carrying on either offensive or defensive operations.

He dwelt some time on the loss that island was to this country, both in point of commerce and as a place of arms, particularly respecting its vicinity to the French island of Martinico, and the protection it would afford to our trade and commerce in that quarter of the globe, and the annoyance it must be the means of giving to that of our enemies. He assured their Lordships, that our West-India merchants were in a state of despondency, little short of despair; they were not only injured by what had already happened, but were infinitely alarmed at much greater mischiefs, they had a right to fear. He instanced particularly the letter of Mr. Oliver as a proof of the situation of the West-India merchants. He described Mr. Oliver as a most worthy and respectable character, notwithstanding the infamous and illiberal treatment which he had been honoured with in a certain daily print. There was not a doubt, he said, but all the Leeward and West-India islands must go, unless a speedy end

was put to the war with America. The language of the planters certainly must be, "You, America, are the strongest, and you must have us." Let the king's servants reflect a little on the consequence of such an event. The West-Indians generally came over to England, and spent their fortunes amongst us: there was scarce a space of ten miles together, throughout this country, where the house and estate of a rich West-Indian were not to be seen. If the Islands went from us, the possessors of the plantations in these Islands must necessarily leave the kingdom, the revenue therefore would suffer materially. These, therefore, were well worth a moment's reflection in the minds of the king's servants. Let them also look at home, poverty and want of money were universal; estates were daily sinking in their value; what formerly fetched from twenty to thirty, or even forty years purchase were now sold for twenty.

His Lordship went into a great variety of miscellaneous matter, which cannot be so properly arranged under any of the heads we have mentioned; but which nevertheless substantially applied to the subject matter of debate.

He complimented Congress greatly on their judgment, wisdom, and active and deliberative abilities. He said, they were well acquainted with the spirit of our counsels, the temper and disposition of those who conducted them, the means employed by them to direct and controul Parliament, and their separate and collective views. Of this, they had given a great number of instances, and in none more than the reception they gave our commissioners, whom they knew were not armed with effective powers of a solid and permanent conciliation; but only sent with a view to break their late connection, separate them from France, and divide them, by creating faction among their leaders, in order to carry the favourite measures of their employers into execution. While he was up, he could not forbear taking notice of a passage, in a celebrated pamphlet, called Common Sense, where the author, among other observations equally sensible and shrewd, takes an opportunity of representing in terms of the strongest ridicule, the boasted advantages of the British constitution, which he describes in the following pointed simile. After the parliament had provided a set of iron bars and locks, for the purpose of restraining the king's prerogative, the members had gone down on their knees to his Majesty, and prayed him to accept of the keys.

With

With regard to France, her conduct was beyond all instance treacherous and unjustifiable. The case of Queen Elizabeth's assisting the States of Holland had been mentioned by way of parallel, but it did not apply. Queen Elizabeth's reign, though he disliked the interior of it, was in all the great and material circumstances of government, wise and politic. That princess foresaw the consequences of the revolt of the United States, and she over and over again warned Spain of its danger, declaring that she must, if the matter was not put a stop to, be under the necessity of entering into an alliance with the States of Holland, and affording them assistance both of men and money. Was this at all similar to the conduct of France respecting America? Had France given us any notice on the subject? Had she previously urged the necessity of her regarding the welfare of her commerce, and therefore entering into a treaty with America? If she had, Parliament were ignorant of any such intimation. Parliament had repeatedly heard the contrary. It had been the language from the throne, and the language from ministers in that House for years, that France had renewed her professions of amity, that common prudence would prevent her interfering, and that there was no danger to be dreaded from that quarter. France, therefore, if her conduct had been reported properly, was without an excuse. She merited the fullest vengeance of this country, and, no doubt, every one of his Majesty's subjects would join readily in resisting and endeavouring to check her career; so far, therefore, was he from thinking the speech too warm in that part which related to France, that he did not think it spoke of her conduct in terms of sufficient warmth, or sufficient indignation and resentment.

He said, the abject, disgraceful, and calamitous situation of this country was such, that instead of voting an address, filling the ears of his Majesty with flattery and adulation, and complimenting ministers on that very conduct which had caused our misfortunes, it was high time that all parties united, and joined heartily in dragging forth to condign punishment, and, what was worse, to public execration, those ministers, those evil counsellors, whose weak and wicked advice had imposed on their sovereign, and led him into an accordance with such a system of injustice, impolicy, and inhumanity, as was unparalleled in history, and would eternally disgrace the annals of Great Britain. His Majesty, he knew perfectly well to be a prince of too noble, too gracious, too bene-

benevolent, and too paternal a nature, for it to be possible that he had himself planned the measures respecting America, as the ministry had dared to insinuate. It was not possible that he could look with calmness on the daily decrease of his dominions, could see the fatal effects of the American war, and resolve to prosecute so ruinous a project, unless his mind was poisoned by the pestilential councils of those men, who, having plunged us into the most disastrous situation, would still pursue their evil designs, and entail inevitable ruin on the kingdom, rather than forego their places. Sydney and Locke were the authors to whom our forefathers looked up as the oracles of good government. Those great authorities were now proved to be fallacious and ignorant pretenders to their subject, by the present wise, and self-taught set of Machiavels. In former days, the various departments of the legislative and executive branches of the state were kept separate; judges were confined to their juries, and to the distribution of justice, and not suffered to mix as members of the legislative and executive parts of government. Excepting in the case of Judge Jefferies, of famous memory, he did not recollect a lawyer coming as a minister into that House, much more coming to take his seat like another Lord Chancellor with his train-bearer behind him.

His Lordship concluded a speech of full two hours long, with saying, that although he was of no party (the cause of which, he presumed, was, because he did come into public life under the wing of any party) and preferred, and ever should, men to measures; that the conduct, temper, and apparent disposition of the present ministers, were so strongly marked with infamy, weakness, and wickedness, that he would chearfully join, and co operate with any set of men, to drag them from their present situations, and render them the objects of example, by punishing them in a manner suited to their crimes and notorious demerits. The public had, he observed, for some time, fallen into a lethargy. Their stupor, however, was nearly at an end; it must of necessity be soon shaken off; and then, woe be to the authors of the impending ruin, and actual disgrace, with which this country was labouring and threatened. He said, he entirely approved of the sentiments of the noble Earl who spoke early [Bristol] and should, for that reason, vote to have the address suspended, till an enquiry was first had in order to ascertain the truth of the facts set forth in the speech, and the propriety of adopting the measures which it recommended.

The House divided, for the address 67; against it 35.

November 27.

The Lords presented their address to the King at St. James's.

The humble address of the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious speech from the throne.

We have the ſtrongest sense of the importance of those objects which render the present conjuncture worthy of the most serious attention.

The disturbance of the public tranquillity by the Court of France, without pretence of provocation or colour of complaint, the clandestine assistance, the avowed support, the formal engagements which, at different periods, that court has not thought it inconsistent with its honour, to afford to your Majesty's revolted subjects in North America, and to conclude with the leaders of rebellion, excite in our breasts a just abhorrence of the violation of every public principle which such a conduct manifests, and a determination to concur in every measure, which may enable your Majesty to resent with effect the hostilities committed on your faithful subjects, and the actual invasion of your Majesty's dominions in America and the West Indies.

We beg leave to express our grateful sense of the tender concern for the happiness of your people, which has uniformly induced your Majesty to endeavour to prevent the calamities of war, and will make your Majesty desirous to see the return of peace, whenever it can be effected with perfect honour and security to the rights of this country.

At the same time we return your Majesty our dutiful thanks for your great care in taking the proper and necessary measures for disappointing the malignant designs of our enemies, and also for making general reprisals, and for the protection which has been derived from the vigilance of your Majesty's fleets to our extensive commerce, in most of its branches, while that of the enemy has materially suffered by the active and enterprizing spirit of our fellow subjects: And we hope, although your Majesty's efforts have not hitherto been attended with all the success, which the justice of our cause and the vigour of our exertions seemed to promise, that consequences more adequate to both may result from the animated execution of firm and active councils, which the time requires,

requires, and with which the spirited perseverance of the British nation has so often surmounted the greatest difficulties.

It is with concern we learn, that the conciliatory measures of Parliament have not yet had the good effect with your Majesty's revolted subjects, which was due to the wisdom and temper with which they were planned.

In this situation of affairs, fully sensible that the national honour and security loudly calls for the most active exertions, we will strenuously concur in supporting your Majesty, that under the blessing of God, means may be derived from the conduct and intrepidity of your Majesty's officers and forces, by sea and land, and the yet undaunted spirit of the nation, to vindicate and maintain the honour of the crown, and the interests of the people of Great Britain.

We return your Majesty our cordial acknowledgements for having called forth the militia, to assist in the interior defence of this country; and it is with joy and exultation we hear the gracious testimony your Majesty is pleased to bear to the public spirit, the steady ardour, and love of their country, which animate that national force, and unite all ranks of your Majesty's faithful subjects in giving signal proofs, to all the world, of a loyalty and zeal which must render us safe at home and respected abroad.

His Majesty's Answer.

My Lords,

I thank you for this loyal and dutiful address: The zeal you shew for my honour and support, and the firmness and vigour you manifest in the present conjuncture, cannot fail to produce the best effects; it must add confidence to my people, and encourage animated efforts to withstand, oppose, and subdue, every hostile attack upon the honour and interests of my kingdoms.

Adjourned to December 4.

December 4.

The Marquis of *Rockingham* informed the House, that he had a matter of the greatest importance to lay before their Lordships, which did not appear to him to admit of a moment's delay. It had arisen since the adjournment of the House, which he was sorry had been so long, at this very critical juncture. His Lordship said, he had in his hand a proclamation or manifesto, said to have been published by his Majesty's commissioners in America; but as it was not fully authenticated, though universally believed to be by their authority, he was at a loss to know how he should regularly bring it before the House, whether by calling on the lords in

administration

administration in the House, to know if they allow it to be authentic; or by what other mode, so that the matter might be discussed immediately, for it contained declarations inconsistent with humanity or sound policy.

Lord *Thurlow* [The Chancellor] said, that the usual mode of communication between the throne and Parliament, in the case of producing state papers called for by the House, was to present an humble address to his Majesty that he would be graciously pleased to order them to be laid before the House. He knew of no other, except papers were produced by any Peer, and the secretaries of state, being Peers, and present, thought proper to authenticate such papers, by which means they came directly before the House to be discussed. But as to the proclamation in question, this last method could not be taken, because the secretary of state for the colonies, through whose department it passed, is not a member of the House; therefore he knew of no other Parliamentary method of bringing it before the House but by address.

The Duke of *Grafton*, after mentioning his astonishment at the supineness of the people out of doors in sitting still under the loss of their commerce, and public misfortunes in every quarter, patiently waiting for better days, added, that he concurred with the noble Lord as to the usual Parliamentary mode of addressing the throne for state papers; and should only observe, that there were other means, besides those mentioned by the noble Lord; for papers were often ordered by the House to be produced by officers under the crown without any address; and he thought this matter of such consequence, that the delay it had already suffered by the adjournment might be inconvenient.

The Duke of *Richmond* observed, that the proclamation was of so criminal a nature, that it must end in public justice; it was therefore no wonder that the friends of those ministers who had advised the measure, should wish to adhere to a form which might prevent judicial enquiry; for they might put a negative on the motion for the address, and thus prevent the paper being produced at all, if there was no other method; but he begged leave to remind the House, that he had moved last session for papers, which were ordered, and produced by ministers without any address: He had also read papers himself to the House, which ministers present had allowed to be authentic, and the House had proceeded to take them into consideration; he therefore thought that as this paper was notoriously known to be authentic, being printed

by the King's printer at New York, it might be taken as the best evidence in the usual mode observed on trials.

Lord *Camden* admitted, that the general Parliamentary usage was (as had been observed by the noble Lord on the woolsack) to address the throne; but there were other methods in particular cases, and their Lordships in their judicial capacity had a right to use their own discretion, and act as circumstances directed. They might follow the ordinary mode of the inferior courts of law, and admit written evidence as authentic that was not deemed to be so. To be sure the paper bearing the stamp of authenticity, as issuing from the King's Printing office at New York, was satisfactory proof of its authenticity, but not legal evidence here. He only contended, that their Lordships certainly had it in their power to admit the authenticity of the paper, and to proceed upon it if they thought proper.

Lord *Thurlow* (The Chancellor) came forward a second time, and said, it was not his intention to stand up for unsubstantial forms; but for the dignity of Parliament: He must object to the breaking through that duty and civility which the House had observed, time out of mind, in procuring communications from the throne, of state papers to be laid before Parliament. It was a principle founded in the constitution to observe this order, and he had no other view in recommending to their Lordships not to depart from it. He likewise thought there could be no other way of introducing the paper as authentic. With respect to ministers putting a negative upon the address, that could not be: A minister in that House was no more than any other Peer, except being officially better informed, so as to enable him to give reason, or attempt to dissuade their Lordships against any measure, while it was in debate; but after that, a minister had only a single vote, and therefore could not put a negative on any motion that met with the approbation of a majority,

The Marquis of *Rockingham* moved, "that an humble address should be presented to his Majesty, that he would be graciously pleased to order copies of all letters and other papers published at New York by order of his Majesty's commissioners, to be laid before the House." Ordered,

That this House will take the said papers into consideration on Monday next; and that all the Lords be summoned to attend.

Adjourned to Monday, December 7.

December

December 7.

The Marquis of *Rockingham* desired that the paper moved for last Friday, entituled, "A manifesto and proclamation published at New York on the 3d of October, 1778, and signed, Carlisle, H. Clinton, and W. Eden," might be read; the clerk of the crown accordingly read it. His Lordship said, he thought he ought to apologize to the House for the trouble he was going to give them, particularly as there were so many noble Lords on the same side of the House, so much more equal to the task he was about to undertake. He then opened his motion, and read the objectionable passages in the manifesto, which were meant to be included in his motion; and the same being read from the woolsack, his Lordship proceeded. He said, that a bare recital of the passages thus selected, was a sufficient ground for saying, that the ministers or advisers of this measure, deserved the most severe reprehension. He thought it extremely necessary, that their Lordships should take the earliest opportunity of testifying their disavowal of its contents. Such a declaration was now become absolutely necessary, as well for the preservation of the honour, dignity, and character of the Sovereign, as to rescue the British name from that load of infamy and disgrace, it must continue to incur, should it go forth among the civilized nations of Europe, that a mode of making war, so contrary to those established among themselves, should be tolerated, much less be approved of by a British Parliament.

He said, the manifesto must fill every honest, feeling man with horror and astonishment. He read it, he confessed, with a mixture of grief and indignation. The paper carried, on the very face of it, the strongest marks and fullest evidence of its being totally repugnant to every principle of Christianity, morality, and good policy.

In order to proceed with due solemnity, he had, on the preceding Friday, communicated his sentiments concerning it, and his intentions of making a motion in consequence, that their Lordships might in the mean time turn their attention to the contents, weigh the import of the passages which struck him as so highly objectionable, and from the impulse of their own feelings, be enabled to judge, what vote it would be proper to give, when the paper came to be determined upon, without being taken unawares, and hurried into a precipitate vote on the occasion. Whether from a misconception of the atrocious intentions of the framers of it, or by being deceived by the ingenious and insidious gloss which artful men might endeavour to put upon it; what was

its evident and obvious import; no less than a denunciation of vengeance against the weak, defenceless, and innocent; against rebels, as well disarmed as armed; confounding friends and foes in one undistinguished mass, and inflicting the most horrid barbarities upon them indiscriminately. But what marked this bloody measure from almost every thing which fell within the compass of his knowledge or reading was, that no benefit whatever for the present, or in future, was proposed to be derived from it; nothing but wanton murders, massacres, conflagrations, and unceasing desolation. The measure did not come with so much as even an implied, much less a direct promise of its being productive of one good consequence; on the contrary, it contained an acknowledgment, that the only motive which actuated the breasts of those who planned it, was solely to render our colonies of as little avail to France as possible.

The only two important considerations, he wished to compare and press upon their Lordships were, the obvious sense of the passages objected to, and the effects they were likely to produce.

Before he delivered his sentiments on the first of these, he begged leave to state a circumstance, which might shew that in respect of the construction he meant to put upon them, he was not entirely singular in his opinion, and it was this: He happened the other night, he said, to be present in an assembly of gentlemen, [House of Commons] where the very paper now under their Lordships consideration, came to be the subject of conversation. Its contents gave birth to various opinions. Those who directly defended the manifesto, were of two descriptions. One of them gravely contended, that it was no more than a public act or declaration, on the part of Great Britain, explanatory of her future intended conduct, in the prosecution of the war against her rebellious subjects, who were no longer to expect lenity at our hands, but were to be treated as the allies of France; and consequently to be made to feel all the inconveniencies and severities, which they had a right to expect, according to the usages and established limitations of war, acknowledged by civilized states at enmity with each other, instead of any further fruitless endeavours to bring her to a proper sense of her duty, by a mixture of indulgence to her errors, and moderate correction. Those who held these sentiments, expressed the most marked abhorrence and detestation of the sense put on the paper in the same assembly. They declared with every appearance of solemnity and sincerity, that no such thing was harboured in the

the minds of those who advised the measure, so nothing but wilful blindness, and a perversion of the common modes of speech, could torture, strain, and wrest the words to so ill founded a construction.

Another set of persons, with whom only in this instance alone he happened to agree, spoke ingenuously, and without reserve or disguise. They acknowledged that the proclamation actually denounced vengeance and desolation, and defended it on the ground of necessity, and sound policy. He confessed, he continued for some time in a state of suspence, whether most to applaud the conduct of those, who with the most horrid intentions of blood and slaughter, endeavoured to hide their real intentions, under an appearance of adhering to the rules and usages of civilized war; or of those, who retaining the same disposition, boldly proclaimed it. Upon weighing the merits of both, he confessed the scale preponderated in favour of the latter, in his judgment.

He observed, that there was a third description, who defended the propriety of the paper; who not uniting with either of the foregoing, wished not to undertake to defend the measure; nor yet publicly disavow its contents; who affected not to consider the manifesto as a paper of state, but merely, as the ingenious literary production of Mr. Adam Ferguson. Here doubts were started both respecting the identity of the author, his stile and composition, and his real intentions; but they were soon done away, for the same gentleman [Governor Johnstone] acknowledged that the system of war announced, was a system of blood and desolation, and that it was perfectly justifiable.

But without wishing to derive weight from the opinions of individuals, he was clear that the proclamation itself, without any aid from acknowledgments or anecdotes, would fully supply every thing necessary for its own proper elucidation. It was specific and direct, and conceived in terms of the utmost barbarity and unlimited severity.

His Lordship then read several paragraphs in the manifesto, and asked if the extremes of war and desolation were not expressions, that were very different from declarations of war and hostility, denounced against enemies preparing to enter into, or actually engaged in war? After enumerating the blessings to be derived from peace, and a civil connection with this country, what does the performance say to induce the people of America to return to that connection, in the event of a refusal? "But we think it right to have them fully aware of the change, which the maintaining such a position

[an alliance and connection with France in preference to Great Britain] must make in the whole, and future conduct of this war," &c. If there was any thing in words, which could be called direct, definite, and specific, this passage imported a change of conduct, and of the principle which was to direct it. Again, attend to the following contrast, in the same sentence. "The policy, as well as benevolence have thus far checked the extremes of war, when they tended to distress a people still considered as our fellow subjects, and to desolate a country shortly again to become a source of mutual advantage; but when that country professes the unnatural design of not only estranging," &c. The whole contest is changed, and the question is, how far Great Britain, by every means in her power, may destroy or render useless a connection contrived for her ruin, and for the aggrandizement of France? His Lordship recommended to every dispassionate person present, to take the context, and see, whether the former lenity, benevolence, and paternal tenderness of this country, was not to be totally changed; and if the extremes of war and desolation were not described as checked, and were no longer to be restrained, if the contingent causes should continue to subsist; namely, a resolution to separate from this country, the unnatural design of estranging themselves, and of mortgaging their resources, &c. which are the conditions precedent to the removal of the checks and restraints which have hitherto prevented Great Britain, from motives of policy and good will, from resorting to the extremes of war and desolation.

If any doubt yet remained, in the breast of a single Lord present, it would be at once removed, by the concluding sentence: "Under such circumstances, the laws of self-preservation must direct the conduct of Great Britain, and if the British Colonies are to become an accession of power to France, will direct her to render that accession of as little avail as possible."

Taking these several passages together, and collecting their real and substantial import into one view, they bespoke a full intention of changing the mode of war, hitherto carried on against the colonies; accompanied with the reasons for this change, which appeared only to rest upon the ground of self-preservation, originating in a speculative opinion, that such an alliance and connection would, or might terminate in the ruin of this country.

This

This laſt principle thus maintained, would be a justification of any war, however barbarous or inhuman. It was the justification of King Herod, when he issued a rescript for the destruction of all the holy innocents in Judea, of and under two years old. The Romans were his allies He understood by the prophecies contained in the Old Testament, that the temporal powers of the Roman empire were to cease upon the coming of the Messiah; and on the same principle of self-preservation, and the security of his own power, he ordered all the children within his own province to be murdered.

His Lordſhip then addressed himself to the bench of Biſhops, and hoped, that some of them would rise, and give an answer for the whole body, to a question he meant to propose to them. He observed, that they had hitherto supported the measures of government, adopted in respect of America, upon declarations made by ministers, that the recovery of that country was practicable. But now, says the manifesto, a new æra in politics is arisen, the nature of the contest is changed. America is relinquished, and all the advantages of being connected with her totally abandoned. A new species of war is denounced, avowedly tending to desolation and destruction, upon motives of self-preservation, not growing out of circumstances actually existing, but upon motives of policy directed to future events. The question therefore which he wished to put to the right reverend bench, was, Was the policy of King Herod good or bad? Was it justifiable in the sight of God? Was it consonant to the dictates of their holy religion, and agreeable to the principles of its author Jesus Christ? If their Lordships should reply in the negative, he hoped, as well for the sake of their own consciences, as for the credit of the religion they professed, that they would not give a public countenance to measures of blood and slaughter, when the objects for which they had hitherto supported the American war were either clearly unattainable, or actually given up. The manifesto proved the latter, which he presumed was a sufficient evidence, that administration were perfectly satisfied of the former.

His Lordship next proceeded to shew that, besides the cruelty and impolicy, the shame and disgrace of the measure, it was no less barbarous than impolitic. He described the fatal effects which must follow such a mode of making war. He observed, that our coasts, notwithstanding the force we had, would be liable to suffer by this species of predatory hostility

hostility in every quarter which was not a place of arms; that the northern part of the kingdom, and the whole of Scotland, naked and defenceless as they must remain, while we continued to be threatened with an actual invasion from the south, must lie at the mercy of our enemies; that Ireland would experience the like miseries and distresses; but, above all, that our possessions in the West-Indies must not only be ruined for the present, but, he feared, for ever rendered desolate and useless. In the course of the summer, a rumour of the French intending to make a landing in the neighbourhood of Newcastle, had created the greatest confusion. He appealed to a noble Lord over the way [Earl Percy] what infinite alarm and distraction that report occasioned. The militia battalions of the North and East-Riding of the county of York were instantly, upon requisition, dispatched upon that service; and the troops were harrassed, by a forced march of four hundred miles, to no manner of purpose, by that rumour; which afterwards appeared to have no other grounds but the ill-founded apprehensions of the people. What, then, would be the probable consequence, when France and America came to retaliate? When every privateer or armed vessel would have it in its power to carry fire, alarm, and in many instances desolation along our coasts? What was the consequences of the landing of a privateer's crew near Whitehaven the last year, or the plundering a certain noble Lord's house, who was then absent in London, in the northern part of the kingdom [Lord Selkirk.]

But however alarming these circumstances might be; his principle concern was for the West-India islands, because there the mischief could be perpetrated with impunity, and its effects prove decisive and perpetual. The plantations once destroyed, would be for ever destroyed; the losses and ruin would be irreparable. The truth of this was known to every person in the least conversant with the state of these islands. Even the most powerful and best defended of them, Jamaica, fully sensible of it, had never cultivated their lands on the sea-coasts, or within seven miles of it, till within the last thirty or forty years, till the Buccaniers were banished, and ceased to infest their coasts; because the inhabitants were fully aware, that the damage of a single night could not be repaired in a century. The destruction of the canes, mills, and the general cultivation, with the loss of the negroes, would be an effectual destruction. But supposing that Jamaica was able to defend itself; what must be the fate of the other

other islands, unprotected and defenceless as they were notoriously known to be? When even he heard, in the same assembly already alluded to, that the only real resource the inhabitants of Jamaica had, if attacked, was to retire into the Blue Mountains, and there defend themselves at a pass, where a very small force could resist a numerous army. This was a clear confession that even that island must feel all the miseries of this predatory war, and suffer her plantations, &c. to be destroyed, before her face, without daring to interrupt or molest the insurgents.

His Lordship, after pressing this argument, returned to consider the manifesto, on which he bestowed almost every opprobrious epithet in the English language, and which he ultimately brought home to administration. He said, it was replete with insidiousness, perfidy, cunning, and barbarity; that it was equally weak and wicked; that it held out protection, where the very means of protection were abandoned. It invited submission, without a possibility of security to the persons submitting; it laid a snare for those attached to the British government, which would, if accepted, ultimately terminate in their ruin: It exposed such of them as had hitherto adhered to the cause of the mother country, to the persecution and revenge of their incensed brethren, and the prevailing powers on the spot: in short, if the ruin of the loyal part of the people were actually intended, he did not know a means which could promise to do it more effectually. The very manifesto contained the fullest proofs, that all thoughts of connection between the two countries were given up: the actual situation of our army proved it. He did not pretend to speak from his own knowledge, but he believed it was generally understood, that Sir Henry Clinton had written home for a very considerable reinforcement, which he likewise understood could not be spared. Large detachments had been already made from his army; four thousand men were ordered for Florida, to co-operate in an attempt invited by the mal-contents in South-Carolina; five thousand were ordered for the defence of the West-India islands, and two thousand for Halifax: after these deductions, he believed, the most that could be expected from the General would be, to act on the defensive. If so, the proclamation could not operate to any good purpose, though it might occasion great mischief. Such being the true state of affairs in America, he was well warranted in affirming that in the most savage times, such a system of slaughter and desolation as the manifesto threatened would not have been adopted, and contended

tended that history did not furnish another instance, since the coming of Christ, and since the mild influence inspired by his doctrines, in which the war had been conducted on such barbarous and inhuman ideas. On the contrary, it was well known, that war had been carried on upon certain principles, and under certain limitations and restrictions; that whenever it was declared, it was usual for the contending parties to appeal to God for the justice of their cause, and to avow in the most solemn manner, that they only commenced hostilities, in order to obtain a secure and just peace. He applied this argument to the proclamation; how any man, or set of men, could expect success under such a plan, so repugnant, not only to every idea of peace, but to every idea of humanity and sound policy.

His Lordship was up for upwards of an hour and a half, and was heard with great attention. He concluded with making the following motion:

That an humble address be presented to his Majesty, to express to his Majesty the displeasure of this House, at a certain manifesto and proclamation, dated the third day of October, 1778, and published in America under the hands and seals of the Earl of Carlisle, Sir Henry Clinton, Knight of the Bath, and William Eden, Esq; commissioners for restoring peace to the colonies, and countersigned by Adam Ferguson, Esq; secretary to the commission; the said manifesto containing a declaration of the following tenour:

"If there be any persons, who, divested of mistaken resentments, and uninfluenced by selfish interests, really think it is for the benefit of the colonies, to separate themselves from Great Britain, and that so separated they will find a constitution more mild, more free, and better calculated for their prosperity, than that which they heretofore enjoyed, and which we are empowered and disposed to renew and improve; with such persons we will not dispute a position, which seems to be sufficiently contradicted by the experience they have had. But we think it right to leave them fully aware of the change which the maintaining such a position must make in the whole nature and future conduct of this war, more especially when to this position is added the pretended alliance with the court of France. The policy, as well as the benevolence of Great Britain, have thus far checked the extremes of war, when they tended to distress a people, still considered as our fellow subjects, and to desolate a country, shortly to become again a source of mutual advantage

tage: but when that country professes the unnatural design, not only of estranging herself from us, but of mortgaging herself, and her resources, to our enemies, the whole contest is changed, and the question is, how far Great Britain may, by every means in her power, destroy or render useless a connection contrived for her ruin, and for her aggrandizement of France. Under such circumstances, the laws of self-preservation must direct the conduct of Great Britain; and if the British colonies are to become an accession to France, will direct her to render that accession of as little avail as possible to her enemies."

To acquaint his Majesty with the sense of this House, that the said commissioners had no authority whatsoever, under the act of Parliament, in virtue of which they were appointed by his Majesty, to make the said declaration, or to make any declaration to the same, or to the like purport, nor can this House be easily brought to believe that the said commissioners derived any such authority from his Majesty's instructions.

Humbly to beseech his Majesty, that so much of the said manifesto as contains the said declaration, be publicly disavowed by his Majesty, as containing matter inconsistent with the humanity and generous courage which, at all times, have distinguished the British nation, subversive of the maxims which have been established among Christian and civilized communities, derogatory to the dignity of the crown of this realm, tending to debase the spirit, and subvert the discipline of his Majesty's armies, and to expose his Majesty's innocent subjects, in all parts of his dominions, to cruel and ruinous retaliations.

Earl of *Suffolk* said, he could not have imagined that the paper which the noble Marquis had so strongly reprobated, could have ever admitted of the interpretation his Lordship put upon it. He could safely answer, both for himself and his colleagues in office, that they never meant what was imputed to them, either in the motion of address, or in the comments made on the paper. The import of the paper was obvious, and called for no subtleties or refinements to make it perfectly correspondent to the known language used on such occasions. It reminded the people of America of the blessings they were about to forego, of the lenity and tenderness with which they had been hitherto treated, and pointed out the necessary conduct which must ensue, should they persist in their unnatural connection and alliance with France,

for

for the aggrandizement of that country, and the ruin of this. The proclamation meant no more, nor said any more. It warned them of the consequences: but of what consequences? Of being treated as declared enemies, subject to the distresses of that species only of war which all enemies are liable to undergo, and which are authorized by the laws of war established in civil countries, and strictly confined within the limitations which those laws have sanctioned.

No man on earth, no noble Lord in that House, conceived a more utter abhorrence of the principles, which were supposed by the noble Marquis to have dictated the proclamation; he could safely disavow any such intention; and he was ready to abide by the obvious sense of the proclamation itself, as the best ground of his justification.

The motive of that appeal to the people of America, was purely from the principles of self-preservation, not those of personal revenge. The situation of France was much changed from what it was, at any time since the commencement of the present century. She had changed her system; and, instead of keeping on foot great standing armies, she had turned her attention entirely on her marine; and now disputed the empire of the sea with us. This uniting with the circumstance of the revolt of our colonies, formed a new period, totally unknown in the annals of this country.

He did not wish to follow the noble Lord in all his forced interpretations; the proclamation would speak for itself; and he trusted their Lordships would not permit themselves to be led away by a studied and laboured appeal to their passions. He left it to their Lordships own judgment, and doubted not, but they would exercise it properly, whether there was a single line in it that would bear the charge of Herodian cruelty and the slaughter of the innocents.

France and America allied were to be considered as one enemy. The object of their connection was truly alarming, because it pointed immediately to our total destruction. It was equally directed to the stripping us of our dependencies and distant possessions, to the wresting from us the empire of the ocean, and to the aggrandisement of France by our downfall. The views of France were not, as it has been erroneously stated upon former occasions, solely confined to objects of commerce; their real views were an increase of power, and extension of territory. It was therefore, upon every principle of policy and self-preservation, incumbent on us to do all in our power, consistent with the laws of war established

blished between two contending powers, to render the assistance of America in the contest of as little value as those laws would permit, or, in the language of the proclamation, "to render the accession of as little avail as possible;" in short, to adopt every justifiable measure for depriving France of the resources which she might otherwise derive from our revolted subjects.

He believed this conduct, when coolly and impartially considered, would receive the full approbation of the majority of that House. It was no common situation we stood in. We were now compelled to fight, not upon any speculative differences; we were to contend with a powerful enemy, not for matters of trifling importance, but we were to struggle for our all, for our existence as a nation.

No line could now be drawn, which would secure us against the designs and machinations of a powerful and dangerous enemy. His Lordship acknowledged, that our situation was dangerous and critical; that every thing dear to us was committed to the issue of the present contest; and that the only means left for our salvation, was to act with unanimity and vigour. It was no longer a question, how far our conduct was or was not wise and prudent, the moment forbad any retrospect; all we ought now to turn our attention to, was to adopt such measures as were suited to our present situation, which he acknowledged again was truly alarming.

These were the grounds on which the proclamation rested; and he trusted, when the occasion which gave birth to it was considered, it would appear highly justifiable. The preventing our enemies from improving the revolt of our colonies, to the advancement of their own ambitious and unjust views, he hoped would never have been construed as an intention to extirpate or destroy. On the contrary, the most that was meant, was no more than to render the means of American assistance of as little service as possible, by taking the most effectual means of destroying her fortresses, &c. in the same manner as is every day practised by powers at war with each other, in the mode of conducting their hostile operations. Would it not be proper to dismantle her fortresses, render her harbours useless, and cut off her resources, as much as possible? This, notwithstanding what he had now heard, was in our power; and it would, in his opinion, be highly criminal, considering the present circumstances of the nation, to forbear carrying such a plan into execution.

His

His Lordship added, that the manifesto meant no more than might be well defended. It was argumentative and persuasive, and addressed to the people of America in a double capacity, as subjects and friends in one light, and as enemies eventually. On the whole, he could assure their Lordships, that it was never intended to carry such bloody measures into execution; nor could it be foreseen that any such construction would have been put upon the proclamation. No more was in the contemplation of those who drew up that paper, or advised it as a measure of state, than to acquaint the people of America, in case they persisted, that the war would be changed, and that they must of course abide the consequences.

As the noble Marquis had appealed to the right reverend bench, he would do the same, for their sense of the manifesto.

Bishop of *Peterborough*. It would ill become me, who have so often experienced the indulgence of your Lordships on other occasions, to be silent on a subject like this, when what has fallen from the noble Earl calls upon me, by reprobating this manifesto, to vindicate, as far as I am able, the credit and principle of that holy religion, for which the constitution of this country has so great a respect, as to admit the ministers of it into the dignity and confidence of this great national council. Permit me, therefore, for once to address your Lordships, not as statesmen but as Christians. The declaration before us contains matter, in my apprehension, big with mischief, and such as, should it escape the censure of this House, will, I think, fix indelible disgrace on the name of Briton.

I should deem it a misapplication of your Lordships time, to dispute about words; the proclamation was addressed to the people of America, and must be understood according to the plain and obvious import of the terms. The tendency of its threats is evident. I shall therefore only submit to your serious consideration a few thoughts which have occurred to me on this alarming subject.

God forbid we should ever see religion so perverted from its original nature and institution, as to become the instrument of faction; that nothing is farther from my intention, will, I trust, sufficiently appear, when I beg leave to remind your Lordships, that it is principally owing to the mild influence of Christianity, that every nation professing the belief of it, has as it were by common consent set bounds to the

the savage fierceness of revenge and cruelty. Shall we then be the first among the nations of Europe, to forget so very essential a part of its excellence, as the humanity and benevolence it inspires?

Shall we, I say, be the first to establish desolation upon system; and to gratify an impotent resentment, deal fruitless destruction on the wives and children of an enemy we cannot conquer, and of friends we can no longer protect.

There are, I fear, but too many instances, where war may become unavoidable, and numberless are the calamities ever attending it, which benevolence itself cannot prevent.

There is one principle, however, without which it ceases to be justifiable, I mean that, which every civilized nation professes, in declaring war, the desire of a just and honourable peace.

It was with a view to this, that under the flattering assurances of an easy victory, your Lordships were led to send troops at first into America.

It was afterwards, because peace and reconciliation were deemed unattainable by any other means, that a majority were induced to comply with the proposal of administration for coercive measures.

But from that fatal day, in which the petition of the congress was rejected, peace and reconciliation seemed to be no longer in view; America concluded, she had no alternative left, but unconditional submission or independence, she made her last appeal to Heaven, whose scale will finally preponderate. God only knows who holds the balance; but if Great Britain has any hope left in the justice of her cause, she does ill to defeat that hope, by means like these, to support it.

Your Lordships hitherto have, I doubt not, been able to satisfy your own minds in having supported this war, not only by thinking the means necessary, but the end proposed just and honourable.

Read but this manifesto with impartiality, and compare its theory with the practice of Colonel Butler; and he, who wishes to keep well with himself, will find abundant reason to be very cautious how he proceeds a step farther.

I did express a wish that we might never see religion made an instrument of faction; it was a sincere wish, though an imperfect one; I ought to have added, nor of barbarity. I do it now from recollecting, there is an article in the extraordinaries of the armies for the last year, recommended to be continued, for scalping knives and crucifixes.

I will

I will conclude, by observing only, that if such is the Christianity which we are henceforth to propagate among the Indians, it is better for their teachers, better for themselves, that they should live and die in ignorance; if they are to be involved in our guilt, take not from them their plea for mercy; but let them have it still to urge at the throne of grace, that they have never heard of the name of Christ.

Earl of *Derby* condemned the measures of administration in general, and the paper before the House in particular. He felt, he said, for the dignity, honour, and reputation of this country, which had been so deeply wounded by this bloody edict, that authorized at once murder and desolation! He said, the noble Earl in office [Suffolk] was convicted, by his own confession, in the debate, on the first day of the session, when the subject turning upon the probable loss of America, the noble Earl said, "he would never consent to acknowledge the independence of America, for there were means still left untried, which might bring America back to a sense of her own interest and duty. He should, for one, advise the adopting such means with the most extreme reluctance; but if every other mode should fail, self-preservation, the first principle of nature and policy, would compel us to adopt them. Allied and connected as they were with our open enemies, said the noble Earl in the blue ribbon, we probably would be obliged to distress them in a manner that nothing but necessity could justify." If, then, continued his Lordship, we are to compare the contents of the present proclamation with what fell from the noble Earl on that day, we shall be no longer at a loss to find out the meaning of the passages alluded to. The noble Earl could have no reluctance to pursue a mode of fair and honourable war, limited by the usages prevalent in civilized countries; this reluctance must have pointed to something very different, which none of your Lordships can for an instant continue to doubt.

His Lordship urged the Bishops to consider the manifesto in its proper light, as an instrument of horror, as well on account of the unchristian-like principles which it avowed, as the system of treachery which it contained. He said, the ministers were totally incapable of either conducting a war, or making a peace; and in proof of the assertion, maintained, that if their own words were to be taken, they had acted with lenity and mildness, when vigorous war was the proper object of pursuit; and now, when the state of our finances, the declining public and private credit of the kingdom, and almost every thing concurred to make peace absolutely necessary, they were

were madly plunging the nation into a war, likely to be attended with enormous expence, and conducted on principles of unheard-of cruelty. He said, that not only a change of measures, but a change of men was become necessary; and he appealed to their Lordships, whether almost every general and every admiral, men of the most approved bravery and undoubted skill, employed by the present administration, had not returned from the service full of disgust, and full of complaint of their treatment. With regard to the manifesto, he bestowed on it every epithet of severity; and added, that it was a disgrace to Great Britain; that Parliament had never authorised such a measure; and that it was highly incumbent on their Lordships to concur with the motion, and express their immediate displeasure at its contents. He concluded, that the ministry, disappointed in their views of extending despotism, incapable of bringing about that unconditional submission of which they had formerly talked, were now acting in the most dastardly manner, and in order to carry into execution a system of cowardly revenge, were endeavouring to murder those whom they could not conquer, and to desolate that country which they had separated for ever from Great Britain, by their folly, their weakness, and their wickedness.

Earl of *Abingdon*. The motion that has been made by my worthy friend, the noble Marquis [Rockingham] is so congenial with my own feelings, and so consentaneous to my own sentiments, that I cannot help rising to meet it with my most hearty approbation, concurrence, and assent.

My Lords, this motion has been occasioned by the savage spirit that has been found to breathe in a late proclamation of his Majesty, promulgated by the King's commissioners in America. I say, my Lords, in a late proclamation of his Majesty; for every proclamation is the King's proclamation, the constitution not knowing any other power from whence it can be derived.

But, my Lords, I will withdraw my eyes from this horrid manifesto, and fix them upon the authors and advisers of it. Yes, my Lords, the avowed authors and advisers of it; shameless in their confessions, and therefore tenfold more wicked in their want of shame.

Advisers, my Lords, who, by their own infamy, have blasted the national character of this country, and by robbing it of its good name, have made it "poor indeed."

My Lords, I have heard it said in this House, that the tomahawk and the scalping knife were the engines put into

the hands of Englishmen by God and nature, first to torture, and then to murder our fellow subjects; and why, my Lords? Because, like Englishmen of old, like our undebased forefathers, they refuse to submit to slavery; and for thinking with Roman greatness of mind, "*melius est pro patria mori quam vitam miseram atque in honestam degere per servitutem*," &c.

My Lords, it is said, "that after using every hostile attempt to the contrary, rather than America shall be free, it shall be rendered useless to itself and its connections;" and this, my Lords, has been proclaimed too within these walls. A proclamation shocking to my ears; so shocking, that I have since wished myself to be any thing but a Peer of this House.

My Lords, Montaigne tells us, and it is true, that the souls of Kings and coblers are cast in the same mould. What then is it that creates the difference between the King and the cobler, between this House and the lower orders of people?

It is, my Lords, that urbanity, that superior civilization, that liberality of mind, which ought to animate our feelings, and from whence, as from the fountain head, flow compassion for the weakness of human nature, and forbearance of injury (though in error) from those whom chance or lot hath placed in the line of subordination to ourselves.

These, my Lords, are the sentiments that should inspire and direct this House: sentiments that have been so forcibly, so ably, and so pathetically recommended by that pattern of humanity, the noble Marquis who moved this motion, that it leaves nothing further for me to say.

One word, however, I will add in advice to those right reverend prelates, who, by voting for these unchristian-like measures, are now up to their very necks in the blood of America; and it is this, "hear what has been said, go ye, and repent, not in your lawn sleeves dyed with blood, but in sackcloth and in ashes."

Such, my Lords, are the contaminations that have been spread over the honour, the dignity, and the justice of this once august assembly, by those puppets in office, who are moved thereto by the string of obedience from behind the curtain—puppets to whom the key note of murder and devastation was long ago given in these words: "We have passed the Rubicon, and we must kill the Americans, or the Americans will kill us; and from this time, to this savage music, has every instrument been tuned, which God and nature could furnish

furnish and invent, whilst the author of this *fiat* hugs himself up in his cunning, as secured from danger.

But, my Lords, cunning is a trap that is most apt to catch therein the holder of it, as a late instance has given sufficient proof of. I should not wonder, my Lords (indeed I expected it) if I should see a letter, published in the newspapers, signed with the name of some noble Lord (who, like the first lord of the treasury, receives spontaneous marks of favour in proportion to the disgraces that are brought upon this country) and declaring that a certain learned Lord has not seen the King for years past; nor since the year 1765 has had, directly or indirectly, any thing to do with the measures of government.

Such, my Lords, is the dust that has been used to blind the eyes of this deluded country, and such the dust under which others may be in hopes to hide themselves: but, thank God, there is still eyesight enough left in the nation to see and to follow those secret, and therefore doubly atrocious, offenders, to condign and exemplary punishment. Offenders who, in revenge for our having driven the Stuart race from the throne of England, have rendered the crown of England not worth the wearing to the House of Brunswick.

My Lords, having said thus much in execration of the principles that have been held in this House, and of the proclamation as founded on them, from evil, I will turn my eyes to good. Execrable as this proclamation is in some respects, there are others which it is my design to adopt; and in so doing, I shall hold myself entitled to the support of the friends and abettors of it. As their child, they must take the good and evil of it together; as my adoption, I will take the good, and leave the evil abandoned to them.

In this proclamation, my Lords, it is said, "We again assert that the members of the Congress were not authorised by their constitution, either to reject our offers, without the previous consideration and consent of the several assemblies and conventions of their constituents, or to refer us to pretended foreign treaties which they knew were delusively framed in the first instance, and which have never yet been ratified by the people of this continent; and we once more remind the members of the Congress, that they are responsible to their countrymen, to the world, and to God, for the continuance of this war, and for all the miseries with which it must be attended. To all the free inhabitants of this once happy empire, we also address ourselves."

My Lords, the objection made here to the Congress, is the very objection I mean to make to the legislature of this country; and the same appeal that is made to the free inhabitants of that country, it is my determination to make to the collective body of the people of England. In the legislative body of this country, no hopes now remain. In the collective body, if salvation is not to be found, the constitution of England is lost. The legislative body (as it is said of the Congress) has done what it was not authorised by its constitution to do. It has assumed to itself powers to which it is not by right entitled. It has dared to aim at levying taxes without representation. It has dared to say, that it has a right to bind in all cases whatsoever; thereby making the rights of Englishmen subject to its will, and in a limited government, establishing unlimited tyranny.

The hierarchy, who used heretofore to talk of Kings as the Lord's anointed, now translate allegiance from the crown to the state; and that they might become petty tyrants themselves, and remove supremacy from the King to the Parliament.

But this, my Lords, is not the constitution. Let the King be King, and the Parliament be what it is. Let the House of Lords take care of its own rights and privileges, which are intimately connected with the rights of the people; and the House of Commons, who are the temporary appointees only of the people, attend to their rights, and not presume, in conjunction with the other two branches of the legislature, to that omnipotency, which is not only a moral absurdity, but a political lie.

This system therefore must be changed. Corruption, which is its principle, must be done away. Let the King reign in the hearts of his people. In a free state there is no other hold to be taken. He has, through his ministers, reigned long enough in their purses. Attachment by purchase, loses more by oppression, than it gains by expence.

My Lords, I beg pardon for the warmth I have expressed upon this occasion; but he who is not warmed in such times as these are, deserves not the name of Englishman, which once it was an honour to possess.

Earl *Gower* rose to defend his noble relation [Lord Carlisle] he said, from the accusation brought against him, or at least implied in the address now moved. He could answer, that no man would be farther from recommending or inforceing measures of cruelty than the noble Earl, whose name appeared at the head of the commission.

He

He said, he had read the proclamation more than once, with all possible attention; and could not discover a single expression in it which authorised the interpretation put upon it by the noble Marquis, and those other Lords who had spoken on the same side: if there had, he would have been the first to reprobate and condemn it. It is true, the nature of the contest, and the conduct of the war, was changed; but it was changed no farther than to a limited, temperate, and defensible mode, such as was allowed to be justifiable by all nations in a state of hostility. Burning towns, and even desolating a country, came, under some circumstances, within that description. A minister lately deceased [Lord Chatham] whose administration had been often the subject of panegyric in that House, approved of the bombarding and destroying of Havre-de-Grace, during the late war. Many other instances, of a similar nature, might be quoted since the commencement of the present century, where the mere object was to distress the enemy, and not to forward immediate operations. And as to the circumstance of the scalping knives, &c. mentioned by the right reverend prelate, he begged leave to remind their Lordships, that on a former occasion, when the minister last alluded to censured that species of warfare, he proved, to the satisfaction of the House, that the noble Lord himself, when in high office, gave it his sanction; and that the very orders for carrying the measure into execution, originated from his own office, when secretary of state.

He observed, that the noble Lords, when they had a mind to decry the measures of Government, were never at a loss for bugbears, in order to create ill-founded uneasinesses. He remembered last year, that another proclamation was the subject of much debate in that House, when arguments of a similar nature were resorted to. The General [Burgoyne] who issued the proclamation, was then absent, and he stood up in his defence; but the moment that the motives and objects proposed to be attained by that proclamation, came to be coolly examined and fully understood, the good sense of the people got the better of the prejudices which had been artfully instilled into them, and the clamour immediately subsided. Why then would noble Lords expect, that they stood a better chance for succeeding now than before, when the manifesto published by the commissioners was so much less liable to objection, than that published by the general, now alluded to?

There was besides one circumstance, which deserved particular attention; the manifesto was valedictory, and of course called for the strongest expressions of threats and persuasion.

It closed the commission, and was a public appeal to those to whom it was addressed. It contained the ultimate resolutions of Great Britain; it breathed a spirit of lenity and moderation, of good-will and benevolence! It held out tranquility, freedom, the advantages of commerce, and all the blessings flowing from them; endeavouring, at the same time, to impress on the minds of the people there, the risk of ruin they must run, if they obstinately persisted to continue deaf to the reasonable and parental propositions made by Great Britain. To such men, it held out a view of the dreadful consequences in which they would involve their country, by adhering to an unnatural alliance with France.

Considering therefore the manifesto, in every possible view, both as to policy and humanity, and as fully justified in all its parts, by the known and established usages of war, acknowledged by civilized countries, he was of opinion, that it was not only defensible under each of these heads, but was praise-worthy; for which reason, he would give his negative to the address to the throne, for a vote of censure. The persons who were proposed to be censured, were besides absent, and not in a situation to defend themselves; and the proclamation, so far from encouraging barbarity or aggravating the horrors of war, or separating America for ever from Great Britain, tended directly to the punishment of our enemies, the re-union of the Colonies with the parent state, and procuring, by the only just and respectable means, a safe, speedy, and honourable peace.

Duke of *Richmond*. After mentioning that it was the constant practice of ministers to deny that their measures bore that obvious interpretation which reason and common sense must, of necessity, put upon them, adverted to the various parts of the manifesto, answering the different arguments in support of it, which had been urged by the two noble Lords in office [Suffolk and Gower]. He said, the passages alluded to were aimed at the most honest men in America; he did not therefore wonder at administration's wishing to have nothing to say to them. The noble Lords had asserted, that the extremes of war and desolation, cited in those passages, did not come up to the interpretation put upon them by his noble friend, the Marquis: let the noble Lords consider what had been their system of war hitherto. Had they not employed the savages, and burned the towns of Norfolk and Charles Town? He did not mean to say that burning the latter might not be a necessary operation of war; perhaps it was; he only mentioned it as a part of that system which ministers

now

now talked of as a matter which was totally foreign to their ideas. Had not also General Vaughan, when he went up the North River, burnt the town of Esopus, and alledged as a reason for it, "that it was a nest of villains," an excuse similar to that made for the murder of Glenco! He did not see the noble Lord in the House, who had done such notable feats in his government of Virginia, or he should have been glad to have asked him a question or two relative to his conduct respecting the Indians and the slaves.

His Grace contended that the war, from the commencement of it, had been carried on with every act of oppression and injustice that could tend to make the name of an Englishman odious in America. He said a regular and full account of the barbarities exercised by his Majesty's officers, and those under them in America, had been published by order of Congress two years ago. The Leyden Gazette had attempted to give this account piecemeal; but after going some way in it, had desisted, the editor alledging that it stained his paper. He mentioned also the ravages and rapine of the soldiery, who, following the examples set them by the Hessians, plundered the poor inhabitants, and stole every thing they could lay their hands on; while, on the contrary, he was well assured General Washington's army maintained the strictest discipline, paying for whatever they had, wherever they went, and giving entire satisfaction to all around them. He said, he had lately received a letter from the Jerseys, by which he learnt we had not a single friend in those provinces; and the reason was, our army had been there, and behaved so ill, that they had created an insurmountable disgust in the minds of all ranks of people. Having dwelt for some time on these points, the Duke adverted to the general conduct of ministers, and appealed to the candour of the House, whether the nation could be expected to have confidence in a set of men, guilty of such repeated and such gross blunders? He said, he himself had heard Sir William Howe tell the secretary for the American department to his face, and in the hearing of a large assembly, "that it was impossible for Great Britain to be successful in America, while he had the conduct of the war." Let Lords for a moment consider the extent of such a declaration; let them recollect the authority it came from; from no less a man than the late commander in chief in America, who, if any officer had been in the least degree of confidence with administration, he was the man.

His Grace denied that General Burgoyne's proclamation had not been regarded as a very improper publication, and

begged the noble Earl [Gower] to recollect, that he had particularly reprehended it in that House. It had also been much the subject of reprehension in the other assembly; and he declared, he still entertained the same opinion of it which he did when he first read it. The noble Earl had asked, "if we could have desolated the country round Boston, previous to the arrival of Count de'Estaing's fleet, would it not have been wise to have done it?" No; it would have been very unwise; no man conversant with the art of war would have acted in that manner.

His Grace said a great deal against the proclamation, which he declared was a stretch of authority in the commissioners; he added, that he did not doubt it was highly pleasing in a certain quarter, from the happy reception which one of the commissioners had lately met with on his first courtly visit after his return from America. At length the Duke came to an enumeration of the expences of the war, mentioning the three and thirty millions which it had already cost this country, and observing that every year it continued, it was likely to cost us eight or nine millions more: he asked, how were we to raise the money? Was it not notorious, from the uncommon and alarming number of bankruptcies, that money was so scarce, it was hardly to be obtained at any rate? In short, did not every thing indicate a declining commerce, and a sinking credit?

Having answered several parts of Earl Gower's speech, he entered into a very extensive field of argument, in which he chiefly directed his attention to the following heads: the provocations given on our part, which he contended accelerated, or entirely caused the revolt of our Colonies; the successive acts of oppression, cruelty, and injustice we adopted, in order to give our measures the designed effect; the folly of trusting to the assurances of France, and the wilful perverseness of continuing to give credit to them, when almost every day's experience had afforded the most direct testimony, and furnished the most irrefragable proofs, that she was doing all in her power secretly to foment the revolt of our subjects, and support them in their resistance to the claims of the mother country; the weak state of our navy, and defenceless state of the kingdom, when it was no longer a question, that the most vigorous exertions would be necessary to defend us against the power of that kingdom, unless we consented to relinquish our sovereignty, for ever, over America. On these, and several other material points, connected or growing out of them, his Grace was very full, pointed, argumentative, and correct:

rect: but as they have so frequently been discussed in detail on former occasions, a repetition of them now is totally unnecessary, in order to make way for the only novel matter, touched upon by his Grace, of any particular importance.

He observed, that the noble Earl who spoke second in the debate [Suffolk] had very fairly acknowledged, that the present formed a new æra in politics, so far as France and England were concerned; that the finances of France were in the train of being put upon a respectable footing: that her attention was called from her armies to her marine; that she now disputed the empire of the ocean with us; and that every thing which went to the existence of this country, as a great naval and commercial power, was committed to the issue of the present contest. He said, he had lately received an edict, published by the French King, which was a kind of financial state of the nation, and contained the fullest confirmation of what had fallen from the noble Earl; and, as he thought it full of facts and reasonings of the greatest importance to this country, he had taken the trouble to translate it, for the sake of public information.

His Grace then read it. It contained a general account that by the reform made in the several departments, such considerable savings had been effected, that although a loan (about two millions sterling) would be wanted for the service of the ensuing year, the King had the pleasure to inform his people, that no new tax or impost would be laid, in order to pay the interest; attended too with this additional, happy circumstance, that he had forbore to avail himself of the usual mode of raising money, heretofore practised on some occasions, that of the sale of offices unnecessary in themselves, and extremely burdensome and ruinous to the public; but had raised the money he wanted by annuities, which annuities would be provided for by the ordinary standing revenue. [See the edict in the Remembrancer, Vol. VII. p. 116.]

His Grace paid the highest compliments to the great abilities of Mr. Necker, at the head of the French finances, who had adopted the plan recommended by Dr. Price, in his Treatise on Life Annuities; which, while it pointed out the means of procuring new loans, provided for the extinction of the debt, by granting an increased interest upon annuities, determinable upon one or two lives. Mr. Necker availed himself, in the present instance, of this plan; and such was the confidence in government, and the abilities of the minister, that the loan upon one or two lives was procured at eight per cent.

His

His Grace contrasted the wisdom, integrity, and the disinterested motives of Mr. Necker, who had brought the French finances out of disorder, weakness, and discredit, into so flourishing a condition, with that of the noble Lord who presides at the head of the finances of this country. But the reason was obvious; Mr. Necker was ambitious only of doing good; his consciousness that he was doing so, to him, appeared an ample reward. He discountenanced every species of improper expenditure; he suppressed all unnecessary or sinecure places. He endeavoured to inspire the nation with public spirit, and set the example himself. He refused to receive any emolument whatever for his services; and when pressed by the minister to accept of a liberal pension, as a token from his sovereign of his high opinion of his merit, he positively refused it. What, on the other hand, was the situation and conduct of the noble Lord? He had got the Cinque Ports, his Lady Bushy Park, his children were all amply provided for by places held in trust, or by reversion; nay, he had given such a proof of his avaricious disposition, that he had even stooped to go a hunting for the reversion of the comptroller's place in the port of London, for the lives of his two sons, at present possessed by the Duke of Newcastle. Was such a man a fit person to promote reformation, or carry into execution a plan of public œconomy? How could he refuse improper applications, or reject ill-founded pretensions, when the party applying could with so much justice retort on him, that he was covered with places, sinecures, reversions, &c. for no other merit but that of losing America? He was the last man in the kingdom who was justified in calling any man's claim to favour or reward into question. Again, if any of the contracting tribe were to apply to his Lordship, in return for their steady support through every measure proposed by him in Parliament, and that he should refuse to give them an exorbitant profit, might they not with great justice remind him of the first contract with Mr. Atkinson, in his closet, whom he agreed to pay a double price for rum at Jamaica, to what it was sold on the quays in London? Might they not remind him of his ignorance to judge, what was or was not a proper price, when his Lordship mistook currency for sterling? Might they not tell him, that notwithstanding this imposition, he gave Mr. Atkinson a second and a third contract; and, finally, that he continued to employ him, in hiring of transports at an advanced price, in victualling the army, &c. &c.

His

His Grace said, it was highly necessary, that an universal system of œconomy should prevail, that a reform should take place from the highest to the lowest; from his Majesty down to the meanest of his servants. That the King should set the example. His Majesty, he was satisfied, might well live within his income. He did not mean within the civil list revenue, as it stood since the addition was made to it the last year; but as it was before. He had the authority of a great financier [Mr. Grenville] to support him in this opinion, that the civil list, on the establishment of 1727, was more than sufficient for the support of the honour, dignity, and even splendour of the crown, if the revenue was properly managed, and faithfully expended, for the purposes for which it was granted.

His Grace concluded, with professing his willingness to accept of any employment he was thought capable of, either civil or military, on the plan of Mr. Necker, without reward or emolument. He was ready to meet the enemies of his country, wherever they were to be found; to go even to America, if it was thought necessary, not upon a fruitless, impracticable errand, to subdue, but to endeavour to bring about a friendly intercourse, and to put a stop to the unnatural purpose of Englishmen determined on the destruction of Englishmen. When he said this, he feared that any plan of union, such as formerly subsisted between both countries, was for ever at an end; but he still retained hopes, that the Colonies might yet be so far persuaded, both from motives of affection, and principles of sound policy, to change their conduct, as to desist from pursuing an object, which, in the language of the noble Earl in the blue ribbon, who spoke first, must terminate, if successful, in the inevitable ruin of the parent state.

His Grace concluded, with testifying his most hearty assent to the motion made by his friend the noble Marquis.

Lord *Lyttelton* began with a compliment to the Bishop of Peterborough, whose abilities, he acknowledged, were so obvious, and whose conduct was so consistent, that there did not exist a doubt, but that whatever fell from his Lordship must have considerable weight in that House, and considerable weight with the public. He warned the reverend prelate, however, and every Lord who had spoken on the same side, from casting any obloquy either directly or indirectly on those of the reverend bench who had voted in favour of the measures proposed to Parliament by ministry as proper to be pursued respecting America, from the commencement of the war to

the

the present hour. It was unfair, illiberal, and unwarrantable to say that the reverend bench had voted with government from a sanguinary wish, from a hope to encrease blood and massacre. The very opposite had been the desire, and the design, he was well convinced, of every one of the reverend bench, who had voted in favour of the measures which had been adopted. They saw the war was not only just but necessary; that it was a war founded upon the truest principles of christianity, a wish to put an end to party feuds, and party animosities, and to establish an honourable and lasting peace.

It has been said that America was lost for ever—he differed widely from that idea. He was not sanguine in his expectations on that head, but he still hoped and believed that America might be brought back to her allegiance; that America might be induced to throw off the yoke of France, and to do herself the kindness of enjoying the freedom and happiness which the mild constitution of this country was alone capable of giving her. He was aware that there were inveterate spirits in America, malignant members of the Congress, whose views of interest and power made them eager and industrious to delude the public, and instill prejudices against this country, and in favour of the alliance with France, into the minds of the inhabitants of the several provinces. But let noble Lords consider for a moment how unnatural that alliance was—men who were fighting for republicanism, joining with the slaves of an arbitrary monarch, presbyterians going hand in hand with papists; America, at least those Americans who found it advantageous to widen her breach with England, might affect to be blind to the impolicy of such a junction for the present; but it was impossible in the nature of things that they should long continue in that state, the eyes of the whole continent must soon be open to the monstrous folly of their alliance. At present he was sure there were numbers in America who wished most heartily for an opportunity of avowing their sentiments of loyalty; it therefore behoved government to do every thing in their power to enable their friends across the Atlantic to speak their minds, and acknowledge the first wish of their hearts, an opportunity of expressing their loyalty to their rightful sovereign. The moment they could do it with safety, he had no doubt but the majority of the people of the continent would join the royal standard.

With regard to the proclamation, he said, he could not restrain his amazement at the forced construction which had been

been put upon it. It was, in his mind, one of the most temperate, judicious, and forcible appeals to reason and common sense, that he had ever read. It did not in the most distant degree warrant the cruel and inhuman import, which the noble Marquis and his friends had put upon it. Let any man in his right wits read the passages objected to, and it was impossible for him to construe them otherwise than as the noble Earl, high in office, had done [Lord Suffolk.] The noble Lords on the other side of the House had talked much of the severity of the conduct of the war intended to be pursued; even if that were to be the case (a position which however he would not agree that the proclamation warranted) when ought a nation to exert itself to punish more severely, than when rebellion and black ingratitude formed a league with perfidy and falsehood! America, the child of Great Britain, entered into an alliance with France; the old, and notwithstanding appearances, the determined foe of both Great Britain and America. A league for what purpose? Not for the advantage of her commerce, nor for the support of her trade, but with the hellish view of stabbing the political existence of the mother country? America willingly became the dagger of France, and lent herself to be the instrument of the assassination of her parent! Would Lords then hesitate a moment whether they should strengthen the hands of government against such an alliance! On the contrary, must they not see that this was a crisis of the utmost danger, a crisis which demanded the most vigorous efforts of this country, whose very existence was at stake?

Lords had laid much stress on the cruel conduct of the war since its commencement. The assertion was true, but it was erroneously applied. America had been cruel, America had been inhumane, but not Great Britain! Who burnt the town of Norfolk? Who treated prisoners in the most merciless, the most savage manner? America had set the example of cruelty, and if it were followed, she had to thank herself for the consequences. What might appear to be humanity with respect to America, would turn out most blameable weakness respecting Great Britain. Some Lords had talked of the danger of France's retalliating: let their Lordships recollect, that retalliation was the universal custom of war; that we, last war, when the great Lord Chatham had the direction of affairs, pursued the very line of conduct which those Lords had now so severely reprehended. Lord Chatham had planned the expeditions against Havre-de-Grace, and against Rochfort. Lord Chatham ravaged the coasts of France, and desolated

desolated such of her sea-ports, as it was thought expedient to send our arms against. And what did France? Did she burn our sea-ports? No;—the reason was obvious, our navy protected us; France dared not approach our coasts. It was idle therefore to talk of retaliation, when it must appear, to the conviction of every man of common sense, that in a war with France, it was the duty of the ministers of Great Britain to do all in their power to distress the enemy, because it did not require a moment's consideration to discover that the enemy would do all in her power to distress us.

His Lordship observed, that some of the noble speakers had urged the policy of our withdrawing our fleets and armies, and of acknowledging the independence of America. Did the noble Lords who maintained this doctrine consider the consequence? Give up America! What would this country give up then! Not America alone, but Florida! Nova Scotia! the West-Indies! the fisheries! Newfoundland! In short, all our possessions, excepting only the two islands of Great Britain and Ireland; and where then would be our revenue? Where would be our national credit, our national finances? The custom-house and excise-office would be useless; for our trade and our imports would no longer exist.

Having dwelt on this theme, he returned to the manifesto, and the propositions made to America by his Majesty's commissioners. He defended the latter as proper to be offered, but called the attention of Lords to the limits and restrictions under which they were propounded. They must come back to parliament for ratification; he, for one, was glad they were rejected, because, he was free to say, he did not think he should have approved of them. He maintained that it was sound policy, if America was still so headstrong, and so unhappy, as to be driven into the arms of France, by the wicked machinations of the demagogues, who at present held her in subjection, for Great Britain to dismantle her fortresses, spoil her harbours, curtail and destroy her resources, and render her of as little military use to the determined foe of both countries as possible.

Duke of *Grafton* began with mentioning his ill state of health, and his wish to be at home; but declared, he could not look his children in the face if on such an occasion he had neglected his parliamentary duty: he added, that what he had heard fall, from the noble Lords in office especially, made him the more anxious to discharge his conscience, by troubling their Lordships with his opinion, relative to the present

present motion. His Grace then entered upon an investigation of the arguments used by the last noble speaker, whom he called the Drawcansir of administration, ready to undertake its defence at all times, even when they were ashamed to attempt it themselves; and asked if it were wise in ministers to instill such doctrines as the noble Lord had mentioned? The noble Lord had justified pursuing that system, which had caused all the calamities with which this unhappy nation was afflicted. Were not the miseries which America and Great Britain groaned under sufficient, but must Lords in office triumph in the sufferings of the two countries, and boast of their success, in having been able to inflict them, calling upon the House for their support, when they avowed their intention of going on with the same system of folly, impolicy, and oppression? Did not daily experience prove the declining state of our finances, and yet would ministers run the nation into still greater expence, without the smallest hopes of success. What had the noble Lord who spoke last for them said, but that we were deserted by every foreign power, and therefore it was the fit hour for going to war with France and America? Was this short of a declaration, that Great Britain, with her Parliament at her back, was able to contend with the whole world?

His Grace strongly condemned the conduct of the ministry; said they kept their places merely by the influence of corruption, and that their conduct was not founded on a single principle of policy or integrity.

He said, that the last concurrent great cause of all our misfortunes, was our not having timely notice of the treaty entered into with France by the Congress delegates. As a person once in high office, he knew how critical and delicate a situation an ambassador stood in, when questioned upon any points relative to his embassy. But as the effect of the matter he desired to he informed of was long since over, he thought he might, without transgressing any rule of debate or usage, particularly apply himself to the noble Viscount in the green ribband [Stormont] who was ambassador at Paris when the treaty between France and America was concluded. To explain his reason, he would beg leave to remind the House, and inform the noble Viscount, who was then absent on his duty in another kingdom, that having heard that such a treaty had been signed at Paris on the 6th of February, he, early in March following, in his place in that House, applied to the noble Viscount over the way, in the blue ribband [Weymouth]

mouth] to know, whether he had any intimation of any such treaty having been entered into; or whether he had any official communication of it from the British ambassador at the court of France? The answer given by the noble Viscount in high office, was, that he knew nothing of any such treaty, but what he had learned from report; and that he heard such a fact had been mentioned by an honourable member [Mr. Fox] in the other House; and that the first commissioner of the treasury, to whom the question had been put, returned the same answer, that he knew nothing of the matter.

His Grace said, he thought proper to give this explanation, lest the noble Viscount in the green ribband might imagine he took up the affair in a captious manner, and dragged it wantonly into debate. He therefore, with the permission of the noble Viscount, wished to have the affair explained; because it was plain, from this fair state of it, that either the noble Viscount in high office concealed what he should have communicated to that House, or that the noble Viscount, then our ambassador at the Court of Versailles, was deficient in his duty, and had neglected the objects of his embassy, which were solely to discover and penetrate into the designs of France, and to communicate whatever deserved particular attention, at the earliest period, and by the most quick conveyance, to the King's ministers here.

His Grace spoke to several other points of less importance, and sat down with testifying his perfect approbation of the address moved by his noble friend.

Lord *Stormont*. His Lordship apologized to the House, and wished for their indulgence, as he had not been accustomed to speak in public. He said, nothing but the direct application made to him by the noble Duke in the blue ribband, should have induced him to rise.

The noble Duke, from his high situation when in office, must recollect the duty an ambassador owed to his Sovereign in that capacity, as well as the nation whence he was sent, which was that of observing the most inviolable secrecy relative to every matter respecting his embassy, or directly connected with it. Under that obligtion, he should ever deem himself precluded from communicating any thing which came to his knowledge in his ministerial character; and he wished that the House would understand, that he did not look upon himself at all obliged to answer any question inconsistent

consistent with this line of duty; unless he was satisfied himself, that it did not come within the spirit nor letter of the prescribed conduct on such occasions. And he hoped, that if at any future time or occasion he should decline to give the satisfaction required of him, it would be remembered, that his refusal would not arise from any unwillingness to communicate what was proper, but from a consciousness that he could not comply with what was desired, without a breach of what would weigh infinitely more with him than any interpretation which might be put on his silence.

The noble Duke founded his right to interrogate upon a fact stated, of which he was entirely unapprised, being then at the court of France. He had no doubt but the fact was fairly and correctly stated by the noble Duke; and as the transaction referred to was, in its effects, in point of disclosure, entirely open, and of course a clear exception to the established rules of inviolable secrecy; and, as it implied a possible degree of censure on his conduct, as ambassador at the court of France, he should acquaint the House, and satisfy the noble Duke on the subject, as far as he was personally concerned.

The question, as immediately applying to himself, and put by the noble Duke, was, Whether he had an early notice of the treaty entered into by France and the Congress delegates? and whether he communicated his knowledge to the noble Viscount in office [Weymouth] in a convenient time? He hoped he had not been so neglectful of his duty, nor so unsuccessful in executing it, as to be ignorant that a negociation, leading to such a treaty, was on foot; and, when finished, that he had not the earliest intelligence of the treaty being concluded, and ratified by all the solemnities usual on such occasions. To the second question, he could answer with equal truth; that as he was industrious in discovering, so he was punctual in communicating what he had learned; end embraced the first moment which presented itself, to acquaint the noble Viscount in office of the fact.

The noble Lords on the other side of the House, who, by what he could learn, had had such early and authentic accounts of the temper and disposition of the French court, and of its ultimate views and intentions, perhaps already knew what he was going to mention. To them it might appear no novelty. He would put a question to them in turn: Had they heard of any other treaty but that signed on the 6th of February? which he was free to say, was only calcu-

lated to impose on the people of America, and all the powers of Europe; as having nothing in view but advantages of a commercial intercourse, with the independent States of America, as they were pleased to deem them; while the real designs of both America and France were concealed by that treaty. If their Lordships and the House were ignorant of that circumstance, he would assure them, that there was another treaty; they must have indeed catched at the shadow and let slip the substance; a treaty far different from that which had been published. He saw it (or a copy of it) in which there was this remarkable expression, which denoted the complexion of the whole; "that the wings of Great-Britain must be clipped, lest she should soar too high;" nay, further, that some of the articles of this secret treaty went not only to the independence of the colonies in arms, but to the dismemberment of the British empire, and to the parcelling out and partitioning its insular and other American possessions among the contracting parties, part to France, and part to America.

After this, he presumed, no noble Lord present could hesitate about the option we ought to take, whether to submit to the terms France and the independent States should prescribe, which he was ready to prove would render us a petty state of the second class, of no importance, and disgraced in the eyes of all surrounding nations, or bravely contend to recover our former rank, by a bold and vigorous struggle; and when every other bulwark was taken away, defend ourselves within this island, and not suffer our power to outlive our fame, consequence, and honour. He was persuaded there was no other mode of securing a national existence worth wishing for. France and America, he feared, were indissolubly leagued for our destruction. If he had no other proof, the language of Monsieur Gerrard to the Congress was enough, where, among several other expressions of the same tendency, he points out the necessity of prosecuting the war, against the "common enemy," which is not a Gallicism of doubtful import, when rendered into English; for he wrote it, or spoke it, in that language, which plainly proved what was meant by that expression, according to its current and obvious meaning; and he had not the least doubt, that the expression would be found to mean that and no other, in the future progress of this business, whether applying to hostility or negociation.

He

He said, he had delivered his sentiments freely, and was resolved to square his conduct accordingly. He was not in the way when any of the great questions relative to America were agitated in that House. He was therefore listed in no party, nor bound or tied up by no previous vote or opinion. He was consequently in every sense a free man. He neither gave his voice for the stamp act, the repeal, or any subsequent measure, arising from the good or improper policy of either, but as well from what he knew, as from what his knowledge led him to conjecture, he saw no other conduct for Britain to adopt, be the consequences what they might, but to contend to the last, and risque all, sooner than fall into that state of insignificancy and mediocrity which her foreign and domestic enemies, France and America, were determined, as far as in their power, to reduce her to.

His Lordship begged pardon of the House, and thanked them for their candour, politeness, and attention.

The Duke of *Grafton* after stating the true distinction between secrets of state and state transactions, which could be no longer deemed secrets, secrecy being no longer necessary, said, his question to the noble Viscount had turned out just as he expected. His Lordship had acquitted himself in the fullest manner, in the judgment of mankind, of the least neglect, or failure of duty; and had proved to his conviction, what he all along suspected, that ministers alone were to blame. He had forbore to put the question earlier to the noble Viscount, retaining some doubts, and being unwilling to put his Lordship into even the possible situation of being obliged to accuse himself by acknowledgment; or which was much the same, by refusing to give any satisfactory or direct answer. He wished, however, that some one of the King's servants would rise in his place, in justification of such a conduct, and inform the House, why a communication of such singular and essential importance was withheld; particularly when a question, framed on purpose to draw forth such a communication, had been put several days previous to the delivery of the French rescript; and while yet the American bills were passing through that House?

Lord *Weymouth* rose in reply to the noble Duke. He recollected what had passed between him and the noble Duke. He believed it was on the 5th of March last; and were he now questioned in the same manner, he would, he believed, return the same answer; for though the noble Viscount did send him an account of the treaty being signed in the man-

related by him, he must confess, it did not bring home conviction to his mind that the fact was so; and without such previous conviction, or a certain knowledge of the fact, he could not, consistent with his own judgment, which was the only guide he had to direct him, say in answer to the noble Duke's question on the 5th of March, that he knew of any such treaty. As to the noble Viscount, he appealed to their Lordships' recollection, if he did not, the day that the French ministers rescript was communicated to the House, give the strongest testimonial of the vigilance and activity of the noble Viscount in his public character.

Earl of *Shelburne* said, whatever respect and esteem he entertained for the noble Viscount as an individual, with whose personal acquaintance he was honoured; as a Peer of Parliament, he could not avoid testifying his strongest disapprobation of his conduct. The time was approaching in which enquiries would become necessary; and, he trusted, that the noble Viscount in the blue ribband, when this very extraordinary transaction came to be enquired into, would be obliged to disclose his real motives for acting as he did. He had two high an opinion of the abilities of the noble Viscount, to suppose that this was the only reason he had for doubting the communication made to him by the noble Lord then at the court of France, being authentic: for what could such a mode of reasoning and conclusion amount to; but, that after putting the nation to an immense expence in supporting ambassadors at the different courts of Europe, their dispatches, no matter howsoever well supported in fact, are to be considered as no more than so much waste paper, unless they have the good fortune to operate to the conviction, or confirm some previous matter, already intuitively lodged in the breast, memory, or understanding of the secretary of state, to whom such communication shall be made?

The noble Viscount, in the green ribband, had in the most open and fair manner shewn, that he discharged his duty, and that ministers had neglected to profit by his information. The defence of the noble Viscount high in office, was indeed novel; it was of the first impression; he should forbear now to comment upon it; but, as he really and truly respected the noble Viscount, if when the matter should come to be enquired into, he should not be able to defend himself upon better grounds; he had only to oberve, that he sincerely lamented his fate.

After

After endeavouring to hold up the defence of the noble Viscount in several ridiculous points of view, he proceeded to distinguish between an wholesome and wanton severity; a severity which tends to put a stop to the effusion of human blood, not to spill it merely upon a principle of revenge or blind resentment. He instanced the storming of Drogheda in Ireland, by Cromwell; and supported in general (though aware, he said, of its being an unpopular opinion) the necessity in some instances of temporary acts of severity, in order to prevent greater mischiefs in future.

After the detail of Cromwell's cruelty, he pointedly observed, that Cromwell destroyed a single town in order to gain a whole kingdom, and by that one act of severity at the commencement of an alarming rebellion, gave an example which contributed greatly to the conquest which afterwards followed; whereas, the present ministers in their valedictory publication declared, they meant to ravage, lay waste, and desolate a whole continent almost; without even the prospect of being able to gain a single town!

He applied this general reasoning to the contents of the proclamation, which were sufficiently apparent; and, in his opinion, too explicit and direct to require any arguments to demonstrate their obvious and intended meaning. The manifesto plainly imported two things equally evident; destruction and desolation, and a direct intention of abandoning all thoughts of our re-uniting America with Great Britain; therefore the extremities of war, and the other denunciations contained in the manifesto, were not severities directed to reclaim the persons on whom they were to be inflicted; but merely the ravages incident to that species of hostility which rests on mischief as its principle, and looks to no other object but rapine, plunder, and wanton desolation.

After dwelling upon these particulars a considerable time, he said that he still retained his former opinion, that America severed from Great Britain, the mother country could not exist as an independent state; its splendor and glories would be no more; and, in the language of the noble Viscount [Stormont] she would be but a power of the second order in Europe, such as the United Provinces, and some others he could name.

His Lordship then proceeded to mention several circumstances relative to the dissatisfaction of the naval and military commanders; and repeated his former opinions, respecting the necessity there was for trying every means, before we

entirely relinquish all thoughts of America; and pronounced decisively, as soon as we consented to the independency of America, our fate would be finally determined.

He was now convinced, that ministers were blameable, and the period was not far distant, when they would be made answerable for this wickedness and incapacity. All the persons employed under them, of every party and description; those who acted in commands of the first importance, as well as those who acted subordinately, united in one general cry of complaint, and reprobated the plans of government, and the support and means afforded of carrying them into execution. Generals had complained; admirals had complained; and now, for the first time, ambassadors had complained; the most favoured, the most confidential, the most zealous, had severally flown in the face of their patrons and benefactors; not even ribbons, pensions, nor the most lucrative commands, were sufficient to still the voice of truth, or blunt the honest feelings of conscience.

When a great commander in chief, [Sir William Howe] dare openly tell a minister to his face in the other House, [Lord Germain] that the war could not succeed while he remained in office and had the direction of it; when another general officer [General Burgoyne] daily continues to charge the same minister with giving orders that were utterly impracticable, and of treachery, misrepresentation, and the betraying private correspondence, and withholding what immediately concerned the public; nothing surely but repeated disasters, disgraces, and in fine, national ruin, can be expected, while such men are permitted to continue at the helm of state. Where is the officer mad or stupid enough to trust himself to such men, or hazard his honour, reputation, and perhaps his life, to the counsels of men thus treacherous, incapable, and base?

A noble Earl in high office [Lord Gower] had treated the manifesto as a matter of course, a mere office paper, in one point of view; in another he attempted to extol it to the very skies, as a writing in the first stile of composition, and replete with wisdom, moderation, humanity, and the most consummate policy! But finally he impliedly confessed, that it imported nothing: It is, said the noble Earl, merely a valedictory paper! Good God! did his Lordship take time to reflect what the nature of the valediction was? A farewel to America; a farewel to the most important part of the British crown, these islands excepted; a farewel to her power, and to her renown and name as a mighty empire. His opinion on the subject

ject had never changed since first brought into discussion. If America was lost to this country, he did not think Great Britain could exist, which he would follow by another position, "That there was not any other way of reconciling America with Great Britain, but by carrying the spirit of the English constitution as it originally stood, before corruption had sapped its foundations, and vitiated its principles, into America, and establishing a system of government there, under which the civil and religious freedom, commercial advantage, and political rights of the subject, and the prosperity of the whole empire, should be equally the objects of attention, and equally the objects of security."

As to the conditions of union offered by the commissioners, he was at a loss to that moment to determine, whether they proceeded from the basest treachery, to those to whom they were addressed, or whether they were what they would be, if sincerely offered, a scandalous betraying of the rights and interests of Great Britain. He entered into a defence of Congress, whom he observed it was in some degree fashionable to load with every odious and opprobrious epithet. In his opinion they had given abundant proofs of their wisdom and penetration. They received the propositions offered them by the King's commissioners, with caution and distrust; they discovered them to be insidious, and therefore they rejected them: had he been himself a member of Congress, he should have resisted, not their propositions, but the arts which accompanied them, with indignation and contempt. What had fallen from a noble Lord in high office, early in the debate [Lord Suffolk] had confirmed him in the opinion he entertained of the discernment and good sense of that body: for his Lordship declared, he doubted whether he should have approved of the propositions, if Congress had accepted of them. This, if no other reason existed, was enough to convince him, that the offers originated in deception, and were only made with a view to detach America from her alliance with France; and having thus stripped her of all support, then only to grant her what terms we thought proper, or rather to dictate terms to them at our own discretion.

His Lordship addressed himself particularly to the bishops, and urged them very strongly to interfere, and by voting for the motion, to shew their abhorrence of an instrument, the professed purpose of which was to spread horror and devastation throughou the American continent. He said he had the highest respect and veneration for the bench in general, that he was obliged to several of them for their writings; that

they not only confirmed him in his Christian faith, and strengthened his constitutional principles, but smoothed the rubs of life, and softened the severity of those misfortunes with which he had been occasionally afflicted. More he declared depended on the interference of the reverend bench than they might possibly conceive; by so timely an interposition, they might perhaps effect the truly charitable and pious purpose of stopping the further effusion of Christian blood; and also, which would be of still greater consequence, might prove the saviours of their country. America would feel their interference with respect and admiration, and it would be the more grateful on the other side the Atlantic, as it would be altogether unexpected there; add to this, it would serve to remove that odium and jealousy with which Americans, from the prejudices of their education, were accustomed to regard episcopacy; and it would serve to reconcile that difference of religion which had so lately prevailed in both countries. In order to strengthen his address to them, he recalled to their memory the conduct of the bench, whenever any thing like revenge was the object of parliamentary consideration; he bid them recollect that though the protestant bishops owed their preservation to King William III. that in 1695, when the two houses had formed an association, which was meant to be followed in all parts of the kingdom, in order to express their detestation of the horrid assassination plot against the King, which had then been only just discovered, the address was found to contain the word *revenge*, which had by some means or other crept into it; that though the bishops were bound in gratitude to give every proof of their attachment to the person of the king, they had thought it a sufficient ground to dissent from the address, alledging as a reason, that it ill became them as ministers of the Christian religion to countenance measures founded upon so irreligious a principle as revenge. If the argument for the bench's dissenting then was thought a strong one, how much stronger did the present manifesto furnish! He therefore repeated his earnest exhortation to the reverend bench, to gain credit to their order, serve the King essentially, and root themselves in the hearts of the people, by supporting the motion, and discharging their consciences by strongly avowing their disapprobation of so very exceptionable a publication. By such an act, he said, the bench would do themselves, as well as Great Britain and America, essential service; they might obtain a new lease by it, perhaps for 100 years more, and stand with all the world in that high degree of respect, esteem, and veneration,

neration, which should ever be the attributes of Christian prelates. He added, as a further argument for the bench's interfering at present, that it was highly necessary they should, by some act of a public nature, convince the world of the proper attention to the duties of their function; he bid them recollect the various differences relative to religion which prevailed, and the various publications the press teemed with on the subject. In particular, he pointed out a syllabus for a course of lectures on non-conformity, which had been distributed in a place no less public than Cambridge, one of the royal universities; and that too by an author of solid learning and serious discussion.

After having finished his appeal to the reverend bench, he went into a general argument upon the necessary and only means of effecting conquest, and particularly applied what he said to the dispute between Great Britain and America. There were, he said, but two modes which could possibly produce the desirable end of the present war with America, and those were, the force of arms, or the power of terror. Were we capable of effectually exercising the former, or could we draw advantage from the latter? Let us look back a little to the conduct of the war, and we should see that we had tried both without success. Had we not attempted to take Charles-town and failed? What were the murders committed by the Indians? What good had the proclamation of General Burgoyne done to our cause? In fact, had we not for four campaigns been trying again and again to terrify and subdue, and were we not now as distant from the point of our endeavours as we had been at the beginning of the war?

This nation, his Lordship observed, had never before been stigmatized with the epithet of cruel; in the last rebellion, indeed, stories were propagated against a great commander, who was the principal instrument in suppressing it, but those stories had since turned out to be untrue, and to be the mere inventions of faction. The late Duke of Cumberland was unquestionably a great character; as brave, as generous, and as humane a prince as ever lived. Having mentioned the last rebellion, he said he had good reason to believe, that the appellation of rebel was not so much as once applied to any of the Scotch criminals, who were tried on that occasion; at least he must do justice to the solicitor general of that day; he certainly did not apply it. For he had lately seen a paper, which, in his opinion, did him the highest honour; he meant the solicitor general's defence against some charges which he found it necessary to answer before the cabinet council; and

amongst

amongst others, this very circumstance, which, instead of denying, evading, or palliating, he justified; alledging, "that he had the honour to serve a benign prince, and prosecuted on the behalf of a great and merciful people," "for we were then a merciful people," (added his Lordship.) He said further, that he admired particularly the conclusion of the solicitor's defence, which was in these words, "that to obtain Lord Coke's fortune, he would not have used the expressions which Lord Coke had used against Sir Walter Raleigh." The event proved, that the solicitor judged soundly in this conduct. He paid the most effectual court both to prince and people, by the generosity of such sentiments; and he was well persuaded that the profession of them was one amongst the other foundations of his subsequent fortune. He should feel wanting to humanity, if he did not almost drop a tear upon reflecting that the same generous sentiments, as well as the same great talents, had not passed from the solicitor general to the chief justice, and prevented the same improper appellation from being extra-judiciously brought forwards against the Americans; which method of prejudgment, supported as unfortunately it had been, must, in the opinion of every impartial person, be considered as a very capital cause of our present calamities. Were Lord Coke alive, who did not carry the same sentiments from the bar to the bench, his Lordship said, he was satisfied that, instead of stating the inverse of his own conduct, he would now join with the public in lamenting the frailty of men of his own order.

His Lordship took notice of the general ill-treatment which the members of both Houses, who did not concur in the measures of administration, received from ministers, declaring, that they were not only denied on all occasions the necessary information, but that they were treated with contempt if ever they meant to investigate any matter touching the conduct of men in office. This led his Lordship to take notice of the first lord of the treasury's having lately told a gentleman of the other House, that he was but a fly upon the wheel of his chariot; a chariot the wheels of which had long since been driven over our domestic freedom, and which were intended to have trampled on the freedom of America, had not Providence interfered, and rendered that country an instrument of vengeance on those very men whose design it was to enslave her. He declared he did not know the gentleman who had received the insult from the minister, nor was he acquainted with the proposition which he was arguing at the time. He knew, however, that every gentleman who, from motives of

of conscience, or from motives of regard to the interest of his country, thought proper to question either the integrity or the conduct of ministers, undertook a very heavy and up-hill work; that it was generally very difficult to fix a charge; but that there was at this time such obvious, such glaring proof of the incapacity and criminality of ministers, that it was highly necessary for all ranks of people, both within and without doors, to unite and insist on a public enquiry; in consequence of which measure alone, the authors of the fatal mischiefs which had already taken place, and of those evil consequences which still threatened this devoted country might be brought to condign punishment. He was very ready to join with the gentleman called the fly upon the minister's chariot wheel, or with any man or set of men, upon that ground; and he declared he asserted this not with any factious view, not from any impulse of personal pique, but because he was convinced, that not only an alteration, both of men and measures, was highly necessary, but that a proper example ought to be made of those who had so scandalously mismanaged public affairs for some years past.

Lord *Thurlow* [the Chancellor] began with a general observation on the conduct of the noble Lords who spoke in favour of the motion. He contended, that every one of them had deviated from the question, and had indulged themselves in a latitude of debate very unusual, he believed, in that House; at least very unbecoming the gravity and dignity of their Lordships' proceedings. Here his Lordship, after a short pause, proceeded to shew the justice of his general observation, by going into particulars.

The noble Earl who spoke last [Shelburne] had laboured with his usual ingenuity to throw a kind of ridicule on the word *valedictory*, used by a noble Earl who spoke early in the evening [Gower] and to infer, from its obvious and current meaning, that because the commissioners published the manifesto, and that the noble Lord had used the word *valedictory*, that the intention of both the publication and the comment was, a resolution to abandon America. This was a most extraordinary comment and conclusion. It was evident, that the word imported no more than a farewel to America, so far as they bore relation to it, in the capacity of commissioners. The object of their commission was peace and conciliation; they offered such terms as they thought would be most likely to obtain that object: and, as the last act of their commissorial power, they properly, in his opinion very judiciously, make use of every species of argument and persuasion. They

reminded

reminded the people of America what they were about to lose in the event of a refusal, of what they would probably suffer in the same event. They held out the blessings of peace, the advantages of commerce and protection; and they described, by way of contrast, the horrors of war and desolation. This was the plain, obvious sense of the manifesto, as well as of the word *valedictory*. It was a valedictory address, as personally proceeding from the commissioners. It was the last act of state they proposed to exercise; but in what manner it could be construed the farewel of Great Britain, was more than he could discover, with his utmost industry. But supposing that the paper bore such an appearance as was imputed to it by the noble Lord, and noble Marquis who made the motion? Did not the other circumstances which accompanied it, fairly bear the construction he now put on it? Were not our fleets and armies actually engaged in hostile operations? Were not part of those fleets and armies composed of loyal Americans? Were not we in possession of some of the most valuable and important places within the dominion of what was called the Thirteen United States? Surely then, it could never be consonant to common sense or common experience to suppose, that we were preparing to relinquish and bid an eternal adieu to America, while numbers of its inhabitants were in arms in support of the rights of the mother country; or had doomed the Colonies to destruction, when such a resolution must involve the lives, properties, and possessions of our friends, as well as our enemies, in one common destruction. Such an idea was equally preposterous, uncandid, and absurd; and could only have originated in a predetermined resolution to cast an unjust censure and general obloquy upon administration. Even granting that the manifesto was in every sense a valedictory address, it could not be looked upon as binding upon his Majesty's servants, till their Lordships were first satisfied by sufficient proofs before the House, that the commissioners were authorised to make such a declaration. So that, taking it in either light, ministers could not be charged or made answerable for the contents of the paper in question; nor was it decent in the noble Lords who supported the motion, to argue upon the interpretation, though it was the true one, till the House had evidence sufficient to shew, that the commissioners acted upon particular instructions, in the case before the House.

His Lordship proceeded to remark upon what fell from the right reverend prelate, who spoke early in the debate [Bishop of Peterborough] on whom he was remarkably severe. He said,

said, the right reverend prelate had charged the publication in question with what could not be supported by truth or common sense. His Lordship took for granted, what did not exist; and applied the pretended ground of censure, to the conduct of those who were not answerable, though the reasoning had been just. He spoke of fruitless desolation, an expression in itself which carried no meaning, and was neither sense nor grammar. It was not supported by any figure of speech, by logic, or current mode of expression, he ever heard or was acquainted with. Fruitless desolation, was, in his opinion, rank nonsense. He never heard before of desolation that was fruitful; to state a negative, therefore, to what was not in nature to be found, was such a species of oratory, and so incongruous a metaphor, as supported his first assertion, that the words fruitless desolation, were in every possible acceptance of them, equally incongruous and nonsensical. [Here the Bishop of Peterborough rose to explain, but sat down, on being called to order.]

His Lordship adverted to what fell from the noble Duke in the blue ribbon [Grafton] relative to the general charge of corruption, or ministers supporting or carrying on their measures by the means of corruption. It was a general charge, and therefore well calculated for the temporary purposes of debate; because it called for no proof, and was equally applicable to the whole of administration, or to none of them. It did not convey a censure upon any one of them, but upon all; it therefore was unanswerable. No man could take it as particularly aimed at his own conduct; consequently, it answered the purpose of a general defamation for the present, which he was satisfied was all that was intended by the noble Duke; yet he could not help thinking, that those indiscriminate, ill-founded charges, had an effect very different from what was expected, by those who made them; as the well-informed impartial part of the nation, both within and without doors, would, with reason, conclude, that those men were innocent against whom nothing but general charges could be urged; adding, that he who makes a general accusation, in fact, confirms the innocence of him he would defame.

His Lordship made some observations on what fell from another noble Duke who spoke earlier [Richmond] who said, "that the objectionable passages stated in the motion, were addressed to the honest people in America, to whom administration had nothing to say, for that very reason." This he doubted not the noble Lord thought a very fine and

pointed

pointed allusion to the general supposed delinquency of ministers. It imported an honest indignation, was ornamental, and served the turn; and as a debate generally lived a single day, would with some persons carry its intended effect.

His Lordship returned to what had fallen from the last noble speaker [Shelburne] particularly his expression, that he thought "this country could not exist without America." This, he said, was a most extraordinary proposition. It was not supported by any principle of sound policy, or past experience; and if true, he thought it extremely unbecoming a patriot; because it was trumpeting forth to the world and our enemies, taking the whole of the noble Lord's speech together, that we had bid a farewel to America, and that having done so, this country could no longer exist. He was equally at a loss to understand another expression of the noble Lord's; it was that of stating the absolute necessity there was of carrying the English constitution to America. Did the noble Lord mean that it was necessary to transfer the sovereignty to America and so to have two sovereignties, one here and the other in America? If he did not, he was totally unable to put any rational or congruous interpretation on the words of the noble Lord.

His Lordship, after making those particular replies, turned his immediate attention to the manifesto, which he endeavoured to justify in all its parts, and entered into a kind of legal disquisition of the grammatical and legal import of the several objectionable passages; and after endeavouring to shew, that the mode of construction adopted by the noble Marquis, was either apparently erroneous, or unnaturally strained from the obvious sense which the words and phrases imported, affirmed, that all that the commissioners had to do, was to bid a farewel to America, in such a manner, as to impress upon the minds of the people there, the certain advantages which would arise from a constitutional connection with this country, and the very great risques of every kind, hostile and political, which would follow a refusal. It was therefore every way wise and judicious in them, to paint those in contrast in the strongest colours; they had before appealed solely to the reason and good sense of America; it was at length become necessary, to endeavour to influence those by their fears, who were not to be wrought upon by the nobler principles of affection, obedience, generosity, or gratitude.

The Bishop of *Peterborough* rose in reply to a passage in the learned Lord's speech. He denied that the words made use of by him were fruitless desolation, but fruitless evils. Yet, he maintained, that the words fruitless desolation, were strictly *grammatical, and* contained a metaphor perfectly applicable

to

to the idea which it was meant to convey. For a desolation from which no good consequence was even promised or expected, might be well termed a fruitless desolation.

Earl of *Shelburne* rose likewise, in reply to the observations made on his speech by the learned Lord. The learned Lord had emphatically asked if he wished to recommend the establishment of two sovereignties, one in Great Britain and the other in America? By no means. He had often fully and definitely expressed his opinion on the subject in that House, in the course of the last session; and could only attribute the learned Lord's ignorance of his sentiments, to his not being at that time a member of this House. What fell from him the present evening, was no more than a general confirmation of what he had so repeatedly declared, upon former occasions. He thought it therefore needless to explain himself in detail, but for the particular information of the learned and noble Lord, he would tell him what he meant by carrying the English constitution to America, and establishing it there, was the recovering the dependency of that country upon this. Not a corrupt or slavish dependency, calculated to enlarge the influence of the crown, already grown much too formidable and extensive for the honest purposes of a limited government, or procuring for ministers new sources of corruption, for dividing the prince and people from each other, and separating their interests, which can never be wisely or safely done, so long as even the forms of the constitution remain; but a fair, honest, wise, and honourable connection, in which the constitutional prerogatives of the crown, the claims of Parliament, and the liberties, properties, and lives of all the subjects of the British empire, would be equally secured. Such an union, and no other than this, he would ever endeavour to bring about. Such an union he would ever contend for; and without such an union, he was of opinion, that this country could never exist, as an independent state, in respect of the other powers of Europe, nor as a free one, in respect of its own internal polity. Deprived of America, we must sink into a petty state, when compared to some of the great powers on the continent. Holding America in a state of unconstitutional subjection, we would shortly become slaves, or at least hold the mere shadow of our former liberties, at the will and pleasure of the crown, and its subordinate instruments.

Having thus explained his present opinions and future apprehensions, he said, he would sit down with this open declaration, that "he never would serve with any man, be his abilities

abilities what they might, who would either maintain it was right, or consent to give up the independency of America."

The Lord *Chancellor* begged pardon of the right reverend prelate, if he had mistaken his words. He assured him, that he had no intention of so doing. He understood his Lordship to have made use of the words "fruitless desolation;" but as the right reverend prelate had disowned them, he had no more to say. Yet the expression as acknowledged by his Lordship, in his opinion, stood equally open to objection, as applied to the subject matter of the debate. He was still at a loss to know what sort of evils were fruitless, except of evil. No mode of speech could support a sense, different, unless the right reverend prelate would wish to be understood, that some evils were productive of good, and others evil; for his part, he confessed himself ignorant of the grounds of distinction, and could not, therefore, pretend to draw the line between fruitless and fruitful evil.

As to the noble Earl who spoke last, his positions seemed still to him equally dark and unintelligible. He agreed with the noble Lord, that the privileges of the constitution should be co-extensive with the powers of government; but though in a free government, all those who lived under it ought to be free, that is, ought to share the benefits and advantages of the government they lived under; it did not follow, in his opinion, that the particular mode of exercising the powers on one side, or the enjoyment of those privileges on the other, were indispensibly necessary. In a dominion of such immense extent as the British empire, such a participation of the same species of privilege or municipal rights would be absolutely impracticable, and if practicable, would prove an injury, instead of an advantage. A transferring or giving the people of America the same constitution, would be giving them too much, or, according to the ideas of the noble Lord, nothing at all: for if America were to have a legislative power, competent to every act of sovereignty, then, as he said before, here would be two sovereignties; if they were not to be allowed this species of exclusive sovereignty, then of course they would not be in the possession, or actual exercise, of the powers and privileges of the English constitution.

The noble Lord had repeated his former position, that without America, this country could not exist as a nation. This, in his opinion, was no less contrary to fact than repugnant to every figure of speech he was acquainted with. The nation had existed without America. It so existed at present; and should America not return to her former state of legal

legal obedience must continue to do so. It was enough for him to controvert the position in the terms it was stated; yet if he chose to push the argument the full length it would go, all he had to do was to maintain, that Great Britain must exist because America would again return to her duty.

Lord *Camden* said, he was far from thinking that the noble Duke near him, or the noble Earl, were at all censurable for having given it as their opinion, that Great Britain could not exist without America, that he approved the expression; it was a strong, a fair, and a manly declaration. These were times in which it was highly necessary that men should speak out, and the position was unfortunately but too true. Perhaps, indeed, the word *exist* was rather of too extensive a latitude. The word *subsist*, meaning subsist as a nation, would be better. With regard to the manifesto, it was a weak and wicked publication; it ought to be damned; the more it was viewed, the more it appeared to be a fit and necessary subject of condemnation in that House. Their Lordships could not too soon express their disavowal of its doctrines, which were damnable and detestable.

The sense of the passages on which the present motion was founded, was plain and obvious to the meanest capacity. The words "extremes of war and desolation," carried with them their own import. Their meaning was precise and determinate. Let noble Lords consider if the passages in question were made a part of the instructions of an officer in the army, how would he understand, how would he act under them? Did it require a moment's hesitation to determine that he would directly do his utmost by fire and sword, to burn, to ravage and destroy whatever fell in his way, either men, women and children, or towns, plantations and settlements. But even supposing, for the sake of argument, that the expressions did not convey the meaning that the noble Marquis had put upon them—why then ministers were to blame for having couched a public instrument in such indirect terms, that neither friends nor foes could possibly find out what they meant. The language of all proclamations should be plain and simple; else the very end of such instruments would be defeated. Here, however, even were the import hard to come at, ministers had written so legible a comment upon the passages by their conduct, that it was out of the power of all the sophistry of the schools, and all the quibbles of a King's-bench argument, to puzzle and distract the attention and understanding of the reader, from their

true meaning. What had administration done against America from the first hour of their sending an army across the Atlantic? Had they not pursued her *fragrante bello?* What was the conduct at New York? Had not the army thrown women into the flames alive when the town was on fire? Were not tomahawks and scalping-knives defended as the proper instruments of war? Was not letting loose the savages to scalp and murder the aged, the innocent and the impotent, deemed using those instruments of war which God and nature had put into their hands? What was that hell-hound, he asked pardon for the expression, but he could give him no other title, Colonel Butler, doing now? Had he not in the last summer gone up the forks of the Susquehanna, and laid desolate every little township and settlement he could meet with?

After expressing his detestation of the plan of war which had been pursued, he adverted to the line of conduct proper to be followed as matters now stood, and declared he differed totally from the commissioners, and the noble Lords who had supported the manifesto; that so far from distressing America, in order to incapacitate her from assisting France, he would advise a direct reverse of the proposition. Distress France, and render her incapable of assisting America. Attack France immediately; attack her powerfully by sea: we were still mistress of the ocean, and had it yet in our power to derive advantage from our naval superiority. To wound America, was to wound the right hand of Great Britain; to weaken France, was to strengthen ourselves.

Were ministers ignorant, that all the possessions of this country were insular; that in fact, to hold out an intention of universal ravage in America, was inviting depredations on our own coasts, and that the system of retaliation, if once it were adopted (and it would be something worse than ideotism in France not to adopt it) would make Great Britain deeply repent her imprudence in having set the example. The manifesto he described as one of the most plain and palpable proofs of weakness, incapacity, and cowardice, that ever was seen. The fair inference from it was, "We have tried our strength, we find ourselves incapable of conquest, and as we can't subdue, we are determined to destroy."

The House divided; contents 37, and non-contents (including proxies) 71.

Dissentient,

Dissentient,

1st. Because the public law of nations, in affirmance of the dictates of nature, and the precepts of revealed religion, forbids us to resort to the extremes of war upon our own opinion of their expediency, or in any case to carry on war for the purpose of desolation. We know that the rights of war are odious, and instead of being extended upon loose constructions and speculations of danger, ought to be bound up and limited by all the restraints of the most vigorous construction. We are shocked to see the first law of nature, self-preservation, perverted and abused into a principle destructive of all other laws; and a rule laid down, by which our own safety is rendered incompatible with the prosperity of mankind. Those objects of war, which cannot be compasssed by fair and honourable hostility, ought not to be compassed at all. An end that has no means, but such as are unlawful, is an unlawful end. The manifesto expressly founds the change it announces from a qualified and mitigated war, to a war of extremity and desolation, on a certainty that the provinces must be independent, and must become an accession to the strength of an enemy. In the midst of the calamities, by which our loss of empire has been preceded and accompanied; in the midst of our apprehensions for the farther calamities which impend over us, it is a matter of fresh grief and accumulated shame, to see from a commission under the great seal of this kingdom, a declaration for desolating a vast continent, solely because we had not the wisdom to retain, or the power to subdue it.

2dly. Because the avowal of a deliberate purpose of violating the law of nations must give an alarm to every state in Europe. All commonwealths have a concern in that law, and are its natural avengers. At this time, surrounded by enemies, and destitute of all allies, it is not necessary to sharpen and embitter the hostility of declared foes, or to provoke the enmity of neutral states. We trust that by the natural strength of this kingdom, we are secured from a foreign conquest, but no nation is secured from the invasion and incursions of enemies. And it seems to us the height of frenzy, as well as wickedness, to expose this country to cruel depredations, and other outrages too shocking to mention (but which are all contained in the idea of the extremes of war and desolation) by establishing a false, shameful, and pernicious maxim, that where we have no interest to preserve, we are called upon by necessity to destroy. This kingdom

has long enjoyed a profound internal peace, and has flourished above all others in the arts and enjoyments of that happy state. It has been the admiration of the world for its cultivation and its plenty; for the comforts of the poor, the splendor of the rich, and the content and prosperity of all. This situation of safety may be attributed to the greatness of our power. It is more becoming, and more true, that we ought to attribute that safety, and the power which procured it, to the ancient justice, honour, humanity, and generosity of this kingdom, which brought down the blessing of Providence on a people who made their prosperity a benefit to the world, and interested all nations in their fortune, whose example of mildness and benignity at once humanized others, and rendered itself inviolable. In departing from those solid principles, and vainly trusting to the fragility of human force, and to the efficacy of arms, rendered impotent by their perversion, we lay down principles, and furnish examples of the most atrocious barbarity. We are to dread that all our power, peace, and opulence should vanish like a dream, and that the cruelties which we think safe to exercise, because their immediate object is remote, be brought to the coasts, perhaps to the bosom of this kingdom.

3dly. Because, if the explanation given in debate, be expressive of the true sense of the article in the manifesto, such explanation ought to be made, and by as high authority as that under which the exceptionable article was originally published. The natural and obvious sense indicates, that the extremes of war had hitherto been checked; that his Majesty's generals had hitherto foreborne (upon principles of benignity and policy) to desolate the country; but that the whole nature, and future conduct of the war must be changed, in order to render the American accession of as little avail to France as possible. This, in our apprehension, conveys a menace of carrying the war to extremes and to desolation, or it means nothing. And as some speeches in the House (however palliated) and as some acts of singular cruelty, and perfectly conformable to the apparent ideas in the manifesto, have lately been exercised, it becomes the more necessary, for the honour and safety of this nation, that this explanation should be made. As it is refused, we have only to clear ourselves to our consciences, to our country, to our neighbours, and to every individual who may suffer in consequence of this atrocious menace, of all part in the guilt, or in the evils that *may* become its punishment. And we chose to draw ourselves out,

out, and to distinguish ourselves to posterity, as not being the first to renew, to approve, or to tolerate, the return of that ferocity and barbarism in war, which a beneficent religion, and enlightened manners, and true military honour, had for a long time banished from the christian world.

CAMDEN,	ROCKINGHAM,
ABINGDON,	TANKERVILLE,
FITZWILLIAM,	PONSONBY,
FORTESCUE,	DERBY,
GRAFTON,	MANCHESTER,
CRAVEN,	PORTLAND,
J. ST. ASAPH,	BEAULIEU,
RICHMOND,	HARCOURT,
BOLTON,	EFFINGHAM,
RADNOR,	WYCOMBE,
EGREMONT,	SCARBOROUGH,
ABERGAVENNY,	CHOLMONDELEY,
COVENTRY,	DEVONSHIRE,
DE FERRARS,	FOLEY,
FERRERS,	SPENCER.
STANHOPE,	

December 18.

This day, as soon as Admiral Pigot and the members who accompanied him had brought up the bill from the Commons for the trial of Admiral Keppel on shore, and were retired, the Duke of *Bolton* rose, and taking the bill off the table, moved, that the said bill be read a first time.

His Grace observed, that the bill had gone through the other House, and received its sanction through its respective stages in one day. It was a mode of proceeding, he acknowledged, unusual, but not unprecedented; for an instance had happened, in the course of the last session, and on some other occasions, in which a bill had been suffered to go through its several stages in one day; the motives for bringing in the bill now presented to their Lordships, he trusted, carried along with them such reasons for dispensing with the common forms, as would render any further explanation from him unnecessary. It was his intention, therefore, if no special reasons were urged to the contrary, after his present motion should be complied with, to move to have the bill read a second time, to move for its commitment, to be reported, read a third time, and passed. He was aware, that strong objections might be made to this, in point of form; but if, from

the peculiar circumstances of the case, they should not, the inconvenience of delaying the adjournment, merely on account of the usages of proceeding, he hoped would more than balance the mere matter of form.

The Lord *Chancellor* then put the question on the first reading, which, as the principle of the bill was not opposed, was agreed to, as a matter of course.

The Duke of *Bolton*, in conformity to his declared intention, moved that the bill might be read a second time.

The Lord *Chancellor* then came from the woolsack to his place, and objected to the second reading. He said, it was a standing order of that House, that no bill, without very special reasons indeed, should go through more than one stage in one day: to depart from that rule, without the full assent of that House, which in fact would amount to a rescinding of the standing order, was what, as long as he had the honour of presiding there, he would never consent to.

In the first place, the necessity pleaded, in his opinion, did not exist. He had heard nothing of the necessity, nor was there any communication from the other House whatever; so that he was totally ignorant of the grounds of the necessity stated.

He must likewise add, that the change made in a law of long standing, and which had been framed on motives of the soundest policy, and originated from experience, ought not, in his opinion, to be assented to in the manner proposed by the noble Duke. On the whole, on the ground of order, as well as the nature of the bill, which required both a full and complete assent, and the reasons to support such a deviation from the usages of that House, he should oppose the second reading of the bill at present.

The Duke of *Bolton* rose again. He was ready to assent to the point of order laid down by the learned and noble Lord, that a standing order of the House could not be dispensed with, without an universal assent; and therefore could not say a word more in support of his motion. He had adverted to that rule when he first rose, and was ready to acquiesce. Such being the case, it only now remained for him to move for the second reading of the bill to-morrow, [December 19.] after which he should, if no opposition should be made and carried against the principle of it, move, that the bill be committed for Monday. On that day he was determined to propose some alterations, on which

which account he should move, that the Lords be summoned for Monday next.

The Lord *Chancellor* then put the question, that this House be adjourned to next day [Saturday.]

December 19.

This day, the House having met, the bill for trying Admiral Keppel on shore, was read a second time, and committed for the Monday following, the 21st.

December 21.

The Duke of *Bolton* moved, that the House do resolve itself into a committee on the bill for trying the Honourable Augustus Keppel on shore. The committee being accordingly formed, his Grace proceeded to shew several reasons why he thought the cause whence the necessity of the said bill arose, had originated in the most factious motives. He observed, that the admiralty-board acted in a most hasty, rash, partial, and precipitate manner; and had given just cause to the public to suspect, that they grossly abused the powers with which they were invested by the law, as it now stood. He proceeded next to descant on the personal conduct of Sir Hugh Palliser, and said his accusation was the effect of envy, malice, and revenge; but was called to order by

The Lord *Chancellor*, who remarked, that the question before the House was in what manner a bill, which had come engrossed from the other House, and had received a second reading here, should be modelled, if thought necessary; or if no alteration were necessary, to let it pass under the form in which it appeared. He presumed, that every Lord present at the second reading, had approved of the principle of the bill, otherwise they would have testified their dissent or disapprobation of it in that stage. For one, he included himself in that number; and therefore was resolved not to oppose the principle of the bill. When he said this, however, he begged leave to remind the noble Duke who spoke last, that it was both disorderly and indecent to introduce extraneous matter into the debate; extraneous, because the House had no manner of cognizance of either the accusation made by Sir Hugh Palliser, or the eventual or probable truth of that accusation; indecent, because the assertions of the noble Duke went to a constructive charge of criminality against the accuser, and the admiralty-board. He thought that such a mode of conduct was not only unfair and ungenerous, but would operate directly the reverse of what was intended,

and hurt that cause it was seemingly meant to serve. He urged farther, that he had the honour of knowing the honourable person who was the party accused; and was well convinced, from his particular sentiments, as well as the precedent uniform tenor of his life, that nothing could possibly be more offensive to him, than any thing within or without doors, which might bear the most distant appearance of a prejudgment of the real merits of his cause; or any thing which might lead the public even to suspect, that it was intended that extrajudicial opinions should have any influence upon those who were to decide upon his real grounds of justification.

His Lordship then proceeded to take a view of the bill, and the object proposed to be attained by it. As to the bill, he, for his own part, would be better pleased that it had been framed upon general principles of expediency and convenience, than framed solely for the purpose of applying it to a particular case. It would leave an opening for similar applications, and the defect in the law, if any existed, would still remain. But, as he observed before, no opposition being made to the principle of the bill in either of the preceding stages, he was not now, upon any fair or candid ground, at liberty to oppose it. Under the reservation then, that the bill was a proper bill for the declared purpose for which it was framed, namely, on account of the very indifferent and very precarious state of health of the party to be tried, he should, in the course of the Committee, propose such alterations and amendments, as appeared to him correspondent to the spirit of the bill, and move to leave out whatever seemed to be an unnecessary departure from the professed object of the proposed remedy, or went to supersede the existing law in any other particular but that in which it was avowed

Before he proceeded farther, he begged leave to make a few remarks upon the preamble. The preamble states, that Mr. Keppel's state of health, and the severity of the season at which the court-martial is to be holden, &c. are the reasons, or rather facts set forth as the grounds for altering the law, and changing the usual place of trial from shipboard to shore. By the little he could learn of the general usage of Parliament, and from the knowledge he attained by being for several years a member of the other House, he always understood, that when a preamble stated facts, as a motive for changing an old law, or for applying a remedy in

in any given instance, the facts were always proved, and the House in which a bill took its rise sent a transcript of the evidence, or made some communication sufficient to satisfy the doubts of the House to which it was sent. At present their Lordships neither had the proofs, nor had they received any communication whatever which might answer as a substitute for them; consequently the bill, under its present circumstances, wanted not only the former sanctions bills of this nature call for, but one of its most substantial requisites. If, on the other hand, the preamble had stated generally, that the mode of holding courts-martial on ship-board were found to be inconvenient, and that a power had been vested in the admiralty-board, pursuant to this general assertion, it would be competent for Parliament in their wisdom to delegate such a power. Here the case was different; Mr. Keppel was described to be in a bad state of health; the bill proceeded on that idea, and provided a particular remedy for the purpose of preventing the probable inconveniency which might arise from that circumstance, without adducing a syllable of proof to satisfy their Lordships of the truth of the facts.

Earl of *Coventry* said, he did not mean to speak to the point of order urged by the noble Lord, nor to the particular propriety of the bill, without the proofs desired by the noble Lord to prove its necessity. But he could not avoid observing that the conduct of the noble Lord over the way [Sandwich] seemed rather singularly extraordinary. He did not know that it was quite within order to allude to any thing that had fallen in a former debate; but he did not doubt when the noble Earl, whose sentiments he meant to bring into the recollection of the House, should hear what relation they bore to the present bill, that he could have no possible objection to be reminded of them.

The first day of the session, when several noble Lords on this side of the House (speaking of the want of success which the question then before them called upon them directly to give their opinions upon) pressed for an enquiry into the causes of the want of success in our naval and military operations, (which he must observe was likewise the language from the throne) the noble Earl over the way, who presides at the head of the admiralty, speaking particularly to the affair of the 27th of July, declared openly, and without the least reserve, that he was certain there was no ground of censure; that both the admiral and vice-admiral had performed their duty;

duty; that if an enquiry should take place, he was convinced the event would fully prove the truth of his assertion; and that nothing could be more dangerous, nor likely to prove more fatal, in the present critical situation of affairs, with a powerful enemy at our door, than an enquiry of any kind, as such an enquiry would in all probability produce divisions within and without doors, sow dissentions in the navy, retard our naval operations, and call some of our ablest and most experienced officers from the discharge of their professional duty, by which means the public service and national preparation must languish and greatly suffer.

The noble Earl, he observed, had emphatically declared that if any enquiries should be set on foot (which he hoped would not be the case) that they ought to be general, and not directed to the conduct of any one officer. The good sense which appeared in what was offered by the noble Earl on the occasion, gained a ready admission into his mind, and made a suitable impression there. It carried great weight at the time; he could not therefore help now expressing his sorrow and astonishment, that the same reasons had not operated with equal force on the noble Earl himself; they had scarcely a transient credit with his Lordship, for one of his first official acts, after this public declaration, was in direct contradiction to his own professional sentiments. His Lordship has reprobated a general enquiry, and has adopted a partial one.

Such, his Lordship affirmed, was on that day the language of the noble Earl in office. How different to what has since happened, he would submit to the House. All the inconveniencies so accurately stated by the noble Earl, and all the dangers so forcedly and pointedly described, have however been since approved of. Mr. Keppel has been ordered to prepare for trial; and that very board at which the noble Earl presides, has been the cause of calling this accusation into that species of existence, which could only render it an object of a court-martial.

His Lordship concluded his speech with passing high commendations on the public, private, and professional character of the honourable admiral, whose health was the object of the present bill. It was in his opinion every way innocent and unexceptionable; and he made no doubt, would meet with their Lordships' ready assent, and hearty approbation.

Earl

Earl of *Sandwich* acknowledged the general facts stated by the noble Lord who spoke last. He acknowledged that he still retained the same sentiments he declared the first day of the session: he had never a second opinion upon the matter, and he did most sincerely lament that any enquiry was ever set on foot. It was totally against his judgment and approbation that it ever was. He was aware of the mischiefs it might cause, and the certain inconveniencies it must create; nor had he the least notice of such an accusation being intended to be made till he saw it in writing as an official paper before the board; seeing it there, he had no choice; he must receive, he could not reject; and, as a member of that board, was, from the nature of his office, compelled to act upon it. He presumed there was nothing extraordinary nor inconsistent in this.—As a Lord of that House, as a minister, he wished no such charge had ever been brought forward; but as a member of the admiralty-board, his duty over-ruled his opinion, nor was he at all responsible for the consequences.

The noble Earl, who reminded him of what passed upon a former occasion, could not therefore raise any conclusion to justify a charge of contradiction; and, if his memory served him right, nothing passed but relative to a particular enquiry; as to a general enquiry, for his part he was ready and willing to meet it. He was for a general enquiry on the first day of the session, he still remained of the same opinion; nay more, he was certain that a general enquiry would take place. Their Lordships could not be ignorant that there were more charges behind, and he could assure the House, that nothing would be left undone on the part of the admiralty-board, which might promise to expedite a full and proper enquiry. No charge had as yet appeared against the vice-admiral of the blue. He stood before the nation hitherto in the light of an innocent man. The board was already in possession of more than one testimony in favour of his conduct in the affair of the 27th of July. The honourable admiral himself had included him in the general approbation of all the officers under his command. The admiralty board could not go upon hearsay; they must act conformably to certain rules, and abide by a settled system. The approaching enquiry would lead to farther enquiry; and as soon as the grounds of farther enquiry came properly before the board, the board would act consonant to the powers with which they were invested, and in strict obedience

dience to the rules prescribed in such cases by the legislature.

He repeated again, that he extremely lamented the enquiry which gave birth to the present bill. He knew it might do much mischief at this particular crisis, and could prove of no one substantial benefit to the public; but he could only express his regret, for it was not in his power to prevent it. It would have been extremely improper in him, to pretend to decide what the event of a trial would be, while he remained ignorant of the proofs which were to be adduced in support of the accusation. He had done no more than acting with the other commissioners, who sat at the same board. As he was the first commissioner, it might be presumed, that he had more power than the rest, and exerted his influence on the present occasion. He could assure their Lordships, whatever influence he had, he did not exert it, but had merely set his hand to the order for trial, in compliance with what he thought an act of indispensible duty; an omission of which, in the instance alluded to, would be criminal in itself, disrespectful to the public, and injurious to the character of Mr. Keppel.

Earl of *Shelburne* said, that he was truly astonished at what he now heard. It was not proper, as he understood from the noble Lord, to set on foot the present enquiry; he always disliked it; but gave no opinion as to a general enquiry, in which, he presumed, it was intended to include Lord Howe, Admiral Barrington, and others. Admiral Keppel had saved this country from certain ruin, if not conquest. Lord Howe had saved Rhode-Island, and Admiral Barrington Antigua, and the rest of the Leeward Islands, by disobeying his instructions; yet these were the men that the noble Earl thought fit objects of public enquiry; these were the men whom the admiralty-board and ministers thought were deserving of public accusation, and of the temporary disgrace of a public trial.

He so far agreed with the noble and learned Lord, that he thought it extremely improper to bring any matter before the public relative to the conduct of the admiral, or his accuser, while the point was at issue: any thing which might prejudice the parties, or make any unfavourable impression on the public. The law was open; the tribunal was known; and there only could it be properly or fairly decided. He had all along avoided giving any opinion on the subject, either public or private; and endeavoured all in his power to prevail

prevail upon his friends to adopt the same conduct, particularly when informed that a motion was intended to be made respecting the vice admiral; upon that occasion particularly he laboured all in his power to dissuade those who communicated the matter to him, to drop it till a more fit and convenient season, when the whole subject, combined with all the motives and collateral circumstances which it involved, could be fairly and fully considered together.

He would say nothing of the high deserts and eminent services of the honourable admiral who stood accused; they were always written in indelible characters in the hearts of his grateful countrymen; nor would he deny the just tribute due to the professional merit of his accuser. He had often mentioned his name with honour in that House; he had heard much of his personal courage, and had seen him run the most rapid race of preferment. He did not however think, that his late conduct would add much to his fame and reputation. His criminal accusations, and prosecution of a deserving superior officer, might not prove so successful as his naval enterprizes. He therefore sincerely wished, for the sake of the vice-admiral himself, that instead of his traverse and retrograde courses, he had continued to pursue his usual track, and directed all his manœuvres by the rules of plain sailing. His abilities and personal prowess were not denied; but he feared that he had been led on to do what his better judgment would forbid. There was something very dark and suspicious; something of a complexional blackness, that would, upon a close examination, at a proper season, be found, he believed, highly deserving of condign punishment. He should abstain for the present, and reserve what he had to say for that day. The nation, injured and insulted as she was, would call loudly for such an examination; and it would behove them who had perverted the power of administering justice committed to their care, to satisfy that House and the public, that they were totally guiltless of what their conduct afforded, at present, the strongest grounds of suspicion.

His Lordship remarked that the noble Earl who presides at the admiralty-board had affected to greatly lament the unfortunate circumstance of Mr. Keppel's being brought to trial; why did not the noble Earl interpose to prevent it? His Lordship acknowledges, that he was fully aware of the evil consequences which must follow such an enquiry; it was therefore the noble Lord's duty to have exercised that con-

constitutional discretion, inseparable from every ministerial office or official department in the state. The noble Lord would not pretend to say that he was over-ruled by numbers, or out-voted at the board. His Lordship well knew such a pretence would not avail him. The noble Earl should have put a stop to the enquiry in the only stage in which his interposition could have had effect. Such a procedure could not have reflected the least dishonour on either of the parties, and would have prevented that national and professional ferment, that must inevitably follow, and which began already so apparently to prevail.

The noble Earl had pointedly assured their Lordships that there would be farther enquiries, and that these would beget others. Were the public to be amused the ensuing year with court-martial after court-martial, merely to blind and mislead the Parliament and people, and draw off their attention, while the French were to be permitted to gain advantages over us in every part of the globe? Was the plan adopted, in order to cover the weakness, instability, and incapacity of our councils. Let the noble earl reflect in time on his situation. The affair of the 27th of July was a matter which called loudly for investigation, and he reminded his Lordship, that he doubted much whether, when the day of real enquiry arrived, his Lordship would be able to make out the plea of irresponsibility, which he now so confidently urged. The noble Lord sat at the admiralty-board as president. It was absurd, it would appear nugatory for his Lordship, to defend his conduct on the ground of his being a mere individual member of that board, without any more power or influence, than what his vote conferred upon him.

His Lordship assured the House that he did not rise merely as a friend to Mr. Keppel; his prime attention was directed to the good of his country. Justice, besides, strongly urged him to declare his sentiments. If he saw one man surrounded by many enemies, and powerful ones too, he would naturally be called to the assistance of the oppressed and injured. If the person thus attacked was a public man, he felt for his country; if a private man, he then felt for himself; because he could not tell how soon he might stand in the same predicament.

Having very emphatically expressed his sense of the conduct of the admiralty-board, his opinion of the party accused, and his opinion of the accuser, his Lordship said a few words relative to the bill itself, commending the conduct

duct of the minister in the other House of Parliament, respecting his desire that it should be made special, and declaring that it was very fair to put it upon that ground, considering the hasty manner in which it was wished, and in which it was necessary to be passed. He hoped therefore, as the bill was the most innocent of any that could possibly be brought into Parliament, and as it went not in the least to alter the act of the 22d of George the Second, farther than in the specific point of accommodating the ill-health of Admiral Keppel, and rescuing him from the danger to which the very inclement season of the year would expose him, if the trial took place on ship-board, a point which was universally assented to, that noble Lords would not too scrupulously insist on forms, which the nature of the case might render it inconvenient or impossible to have complied with. With regard, however, to the proof of the fact stated in the preamble, which the noble and learned Lord had described to the committee as a fact indispensably necessary to be proved, he understood that there was a witness attending, who could sustain it to the conviction of every one of their Lordships.

The Lord *Chancellor* rose and replied. His Lordship observed, that the noble Lord who spoke last had fallen into the very error which he had risen to point out to the committee, as an error of the noble Duke who sat near him [Duke of Bolton] viz. departing from the subject matter of the debate, and adverting to the merits of the cause about to be tried by the court-martial, which was ordered to be held for the purpose of enquiring into the truth of the charge alledged against the honourable Admiral Keppel by Vice-Admiral Palliser, and going into a long and random accusation of ministers upon assertions, unsupported by any proof whatever. It was, he said, no less common, than improper and disorderly, for Lords on that side the House to attack those persons who were in office, and assert particular facts to have been committed by them, which, if true, would amount to positive and direct charges of a nature highly criminal. Such assertions were the more unfair, because they were so framed, and had such a relation, that if ministers spoke to them at all, they must of necessity touch upon matters exceedingly improper for public consideration, and by no means fit for discussion in a popular assembly. Those who made them knew this, and therefore urged them in a style so bold, collected, and confident, that their end was as fully answered as if ministers rose and confessed the truth of what was alledged. He thought

thought it necessary to say thus much, in order that the people might not entertain an opinion that charges were true, merely because they were not immediately answered, and in order to shew noble Lords the injustice of asserting at random, what it would be exceedingly difficult, and indeed in many cases utterly impossible, to prove. The noble Lord who spoke last had asked what accusations were to be next urged, and against whom? Were they, said the noble Lord, to be urged against Lord Howe, or Admiral Barrington for breaking through his orders? With regard to Admiral Barrington's having violated his instructions, the noble Lord had mis-stated the fact to the committee; not, he was convinced, from any wish to mislead their Lordships, but from his having been misinformed upon the subject; the error therefore ought to serve in future as a caution to the noble Lord not to be too ready in throwing out accusations, or in alledging facts, which when investigated would turn out to be fallacious and insupportable.

His Lordship observed, that such a conduct was extremely unfair, unparliamentary, and unjustifiable. It went to prejudice ministers in the judgment of the Parliament and people, and of course was no less injurious in point of effect, than indecent and improper. His Lordship then proceeded to re-state his arguments, relative to the impropriety of the preamble to the bill as it now stood; because, the committee had no evidence of the fact therein set forth, namely, the bad state of health of Mr. Keppel. Facts stated in a preamble, must be proved, or the enacting clauses rest upon opinion, while the reason why they are enacted appear upon the very face of the bill fallacious, and which every man may question or deny at his pleasure. He made no doubt but Mr. Keppel was indisposed; but yet, in his opinion, till the committee was regularly in possession of the fact, it would be impossible, without departing from the known and established usages of Parliament, for their Lordships to go into the preamble of the bill.

Earl of *Shelburne* rose again, and declared, the noble and learned Lord had been ill-founded in a great part of what he had said in reference to his speech. He had given no opinion whatever relative to the court-martial ordered, nor to the validity or invalidity of the charge alledged against the honourable admiral accused; so far from it, he had only referred to topics which had already been mentioned in the debate, and which were open to the discussion of every one of their Lordships;

Lordships; he still was free to say, that on the most calm view of the charge against the honourable Admiral Keppel, and on the coolest consideration of the time, and the manner in which it was urged, it wore a very black complexion. With regard to his having mentioned the affair of Admiral Barrington, and having said that the Admiral had broken through his orders, he declared, he never ventured to assert any thing in that House without having first pretty accurately informed himself of the fact which he adverted to in the hearing of their Lordships. The noble and learned Lord had taken upon him to contradict him; he heartily wished the noble and learned Lord would give his authority for the contradiction; he was free to tell the committee from whence he learnt the fact, and to submit it to their judgment whether he was not founded in what he had said upon the subject. He had seen a letter from a gentleman high in office in the island of Antigua, in which the writer mentioned that he had heard Admiral Barrington declare in the face of the council of Antigua, that he had disobeyed his orders, in having quitted his station for the purpose of protecting that island and those in its vicinity.

The Duke of *Manchester* reprehended the conduct of the noble and learned Lord in his efforts to keep the House so much within the rigid rules of order. He said, if the orders of the House were not liberally and ingenuously interpreted, there would be an end to all freedom of debate and spirited investigation: in short, the arguments of Lords upon the most important subjects, would dwindle into the insignificance of petty disputes and technical wranglings of lawyers at the bar. Their Lordships were accustomed to a very different mode of discussion; and he had no doubt but that any mode of debate, subversive of the dignity and established usages of that House, would meet with the reception it deserved, that of being either silently unattended to, or treated with a proper degree of contempt.

The Marquis of *Rockingham*, after giving his general reasons in favour of the bill, in reply to the noble and learned Lord's so pertinaciously insisting for a proof of the fact stated in the preamble, said, he presumed, there was not a single Lord present, who was acquainted with Mr. Keppel, ignorant that he had for several years been in a very poor and precarious state of health. He remembered he saw him in the House of Commons the night the motion was made respecting the vice-admiral, when he went off with a glory of

conscious innocence round his head. There was not a person that was present, who could have quitted the House with more seeming celerity, strength, dignity, and manly vigour, than he did; yet he dined with him the same evening, and such was the strange precariousness and vicissitude of spirits, though only an hour elapsed since he saw him leave the House of Commons, that he took half an hour to get up from the ground floor to the dining-room, being in the interim afflicted with the severest pains from cramps in both his legs.

The Lord *Chancellor* continued to demand the necessary proofs; and said, surely, as it was a requisite matter of form, his physician, surgeon, or apothecary, might be called to the bar, to prove the allegation in the preamble.

Mr. Halifax was accordingly called to the bar, and sworn, but before any question could be put to him,

Earl *Gower* rose, and declared, that he esteemed Mr. Keppel as much as any one Lord in that House, though he did not think it necessary to stand up every day he came to Parliament, on purpose to make his eulogium. The honourable admiral sought no such aid; he was convinced that all he desired was justice. His Lordship corroborated what had been asserted by the noble Marquis. He said, he had known Mr. Keppel for many years, and had been witness to the species of infirmity described by the noble Lord: he therefore was of opinion, that it was totally unnecessary to examine the witness at the bar; the usages of that House admitting of the assurance of any Lord given in his place, to any matter of fact properly within its cognizance. His Lordship concluded with assuring their Lordships, that Admiral Keppel, he both hoped and believed, was innocent of the charges alledged against him.

As soon as the assurance of two noble Lords, relative to the health of Mr. Keppel, was received as sufficient evidence of the fact stated in the preamble, the Lord *Chancellor* rose to propose his amendments.

He observed, that the recital in the preamble was extremely improper, because it presumed there was a custom, instead of a positive statute, which would, if let pass unnoticed, imply a discretionary power where there was none. The recital sets forth, "Whereas it has been usual, &c." when it has not been usual, but the place when and where is described by act of Parliament to be on ship-board, and no where else; consequently, to render the present bill correspondent to the existing law, he would move, that the words "it has been usual,"

usual" be left out, and the following words be substituted in their place, " by the laws now in being." Then this part of the clause would run thus: " Whereas by the laws now in being, &c." It was not, he presumed, the intention of the committee to alter the law in any other instance, but what was professed by its friends, and its own avowed principle; which went no farther than merely to accommodate the mode of trial to the state of health of the honourable person who was to be the subject of it.

The amendment was agreed to without any opposition.

His Lordship again observed, as there was no direct proof before the House what species of malady the honourable gentleman was subject to, and that no petition from Mr. Keppel himself had been presented, which might lead to give that information; and as the two noble Lords had described it rather as an infirmity, than as any fixed, certain disorder; he should move, that the words stating the grounds or necessity of the bill, which set forth, that " Whereas the said honourable Augustus Keppel was in a very bad state of health, and it might be dangerous to undergo a trial on shipboard, from the probable severity of the weather, at the season of the year said court-martial was to be holden, &c." he proposed to suit the preamble to the nature of the evidence before the House, by leaving out the words after " whereas," to the end of that particular sentence, and inserting in their stead " the infirmities of the said, &c." when the sentence would run thus: " Whereas the infirmities of the said honourable Augustus Keppel, &c." This amendment being agreed to, he observed, that the present bill had not provided any power to enable the court to adjourn on shore to proceed to trial. He said, a doubt arose, whether, in the construction of the mode of assembling the court, the admiral, whose rank entitled him to act as president on the trial, and the senior captains, might not, if they thought proper, absent themselves on that day, and by that means evade the intention of the act of Parliament. His Lordship accordingly moved a clause to enable the court, when regularly constituted, to adjourn; and followed it with another, which ordained, that any officer who should, during the trial, absent himself from the house where it was held, be liable to be cashired, if he should not be able to satisfy the court with his reasons for so doing.

The last clause he moved was, to direct the manner of holding the court on shore to be literally the same as on ship-

board. His motives, he frequently repeated, were the same throughout, a full and fair pursuance of the principle of the bill now before the committee, and in maintenance of the law in being. The statutes already mentioned, ordered the mode of consituting the court, and the manner of its proceedings, and all the incidental powers belonging to it; the bill only provided one exception, which was the state of health of the party to be tried.

The Duke of *Bolton* rose to assign his reasons against the amendment proposed by the noble and learned Lord, relative to the mode of constituting the court, and to shew the necessity there was, that the members of the court should not be left to chance, but ought to be specially appointed. He said there was great dissatisfaction appeared among the navy in general, from the highest to the lowest; three or four of the first names in the profession, upon application being made to them, declined the acting as president: he had good reason to believe, that the same spirit would shew itself among the senior captains; the consequence of which would be, that for want of a sufficient number of flag-officers in the first instance, and the absence of the senior captains, the conduct of the first admiral in the British service, and one of the first seamen in the world, would come to be decided upon by a single flag-officer, and young captains, many of the latter, perhaps not one of them, who had seen that species of service which they would be called upon to determine. Justice demanded an effectual, as well as formal administration. Young captains, whose fortunes had never led them to be present at general engagements, and whose rank never entitled them to the command of a squadron, could not, in his opinion, be competent judges of what was or was not the effect of skill and ability in the day of action. There was another particular, which urged him the more earnestly to press this point; that was, that several of the senior officers, and those of longest experience, who would on account of their rank otherwise have acted as judges, were prevented by being summoned as witnesses; so that he hoped there would be as many flag officers as possible appointed, to constitute the court, in order that Mr Keppel might have a fair, full, and indifferent trial. His Grace entered into several other particulars, but this was the main point on which he insisted.

Earl of *Sandwich* rose, and declared, that though he was conscious he was not strictly in order, he could not forbear following the noble Duke, because had he remained silent the public

public might be misled, and would judge erroneously by having false premises before them. He assured the committee, that he knew of no application being made to any officer to preside at the trial, but to a noble lord, now absent from his place [Lord Hawke] who begged leave to decline on account of his pains and infirmities, as being no way able to undergo the fatigues of attending the trial. It was insinuated, that there was a disinclination among the officers of high naval rank, in general, to serve on the court-martial. The noble Duke might have some private reason for making the assertion; but he begged leave to assure his Grace and the committee, that that was a circumstance of which he was totally ignorant, not having applied to any other officer but to the noble Lord, who had declined to act for the reason already assigned. He hoped he stood fully justified in making the application; he did it, as he believed there was not a greater seaman, or an honester man, ever lived, than the noble Lord.

As to appointing a particular day for trial, the matter was already fixed. It was appointed to be held on Thursday the 7th of January. The noble Duke would have the persons who were to compose the court-martial, named or ascertained; that was impossible, without altering the law as it now stood. The law says, that on such a day, meaning the day of proceeding to trial, a signal shall be hoisted, ordering the senior captains to repair aboard that ship, whence the signal is given; now supposing, that any given description of officers should be constituted to try the accusation against the admiral, and that in the mean time one or more captains should come into the port, who were senior to those already appointed to try the honourable admiral, the consequence must be, that either a new arrangement of the members appointed to serve on the court-martial must be made, or the act of Parliament which enacts that the court-martial shall be composed of the thirteen senior captains, be broke through. The latter cannot be; the former was therefore, in his opinion, totally impracticable.

His Lordship said, he never understood, by any thing he saw or heard, that it was necessary, upon the trial of an officer, that there should be as many flag-officers as possible, in order to enable the court to determine. He believed the course of the navy was otherwise. At all events, if it was not intended to alter the laws now in being in that respect, or to depart from the professed principle of the present bill,

he did not see how any remedy could be administered in the committee.

His Lordship expressed his entire approbation of the noble and learned Lord's amendment, because it would take off a burthen from the admiralty-board, which was extremely disagreeable, and would of course prevent a possibility of suspicion, that the admiralty-board had acted with partiality in convening the members who were to constitute the court.

The Duke of *Manchester* got up, he said, with a great deal of diffidence to deliver his opinion, when it differed so essentially from that of the noble Earl, who had, from his long experience in naval affairs, and a long acquaintance with whatever was done under the directions of the admiralty-board, so many opportunities of being much better informed on the subject; nevertheless he was led to imagine, that the noble Earl had forgotten the general usage, relative to the constituting naval courts-martial, or he would never have asserted, that having a sufficient number of flag-officers on such trials, was unusual, or was unattended to as unnecessary. He said, he had an abstract in his hand, which would prove the contrary, and shew that the noble Lord himself once held another opinion.

It was in the case of bringing Admiral Mathews to trial. That gentleman having presented a memorial to the admiralty-board, complaining of the hardship, severity and injustice which had been done to him, in procrastinating and delaying his trial; the board answered, that it proceeded not from any neglect or designed delay, but merely to wait till the service would admit of having as many flag-officers as possible on the trial, such being the most competent judges of the conduct of an officer in high command. His Grace read the abstract, and the signature to this official defence, signed Bedford, Sandwich, Anson, &c.

Duke of *Bolton* enforced the same argument, and pressed it as a professional man; observing, that the charges laid against Mr. Keppel, as commander in chief, must only go to an impeachment of his courage or his conduct. The former was not pretended; the latter then being the only ground, and in fact the object of the several charges made by the accuser, his Grace submitted to the good sense of the committee, whether young officers were proper judges of the conduct of a person acting in a situation they must be totally unacquainted with. As to the other amendment proposed by the noble Lord, relative to the confining the members to the court,

court pending the trial, to the house in which it should be holden, he expressed his utmost disapprobation and abhorrence of it, as totally severe and unnecessary, as answering no good purpose, but only tending to add to the very disagreeable circumstances inevitably attending such a situation. He said, he always disliked it; he was fully persuaded of the inconveniencies which in many instances it had been productive of; and it only was meant to prevent the members of the court from mixing with people without doors, and of course from receiving any impressions which might operate to influence their decision: he was persuaded, that it was an idle and inefficacious attempt. Though confined to the house, they would be at liberty to communicate with their friends; and if they could break their oaths of inviolable secrecy, not to divulge their opinions out of their private deliberations and consultations, it would be an absurd expectation to restrain them in any other manner.

His Grace then explained the reasons and motives, that originally gave birth to this clause, which was the trial of Admiral Mathews in 1745, when the members being at liberty, the trial was lengthened out to six weeks, and in the course of it, one or two of the members were arrested by an order of the then Chief Justice [Willes] of the common pleas.

His Grace observed, that naval courts-martial formed a species of criminal jurisdiction in this respect, totally repugnant to the courts of common law, or indeed any other court civil or criminal, sanctioned by the common law. They were in fact neither a grand jury nor a petty jury, though they partook in some measure of the nature of both; and the nearest resemblance they bore to any jurisdiction was to that exercised by their Lordships; for, like them, they acted both as jurors and judges. So in their manner of proceeding, like their Lordships, courts-martial adjourned from day to day, and yet neither the object of trial and enquiry, nor of justice, was ever deemed to be defeated or impeded by such adjournments. The members of a court-martial were besides sworn to inviolable secrecy: there did not, therefore, in his opinion, remain a single plea for preserving the inquisitorial clause, moved by the noble and learned Lord; and whether his Lordship adhered to it, or gave it up, on the present occasion, he was determined to move for a total repeal of the clause, as it stood in the act of 22 George II.

The Lord *Chancellor*, after acknowledging that a proper deference ought to be paid, most certainly, to whatever fell from the noble Lords who had themselves been in the service, and were by habit and long experience familiar with the customs of the navy, and the necessity of altering old laws, or enacting remedial provisions, said the present was not the time proper for taking so general and important a subject into consideration. The clause alluded to, as it stood in the statute of 22 George II. might or might not be a proper one; but it did not apply to the subject matter of the present bill, which was meant only as a temporary suspension of the law, framed on purpose to accommodate the place of trial to Mr. Keppel's state of health, which would not permit, with safety to his person, his being exposed to the inclemency of the weather, at that season of the year.

So far as this, the purposes and avowed principle of the bill went, and no farther; and so far the provisions of the bill ought to be clear, positive, and specific. He assured their Lordships, the same met with his hearty concurrence; but when those ends were secured, in his opinion, the act of 22 George II. ought to be faithfully adhered to in every other instance. What the noble Duke promised to do hereafter, might appear extremely worthy of their Lordships' attention, but at present nothing of the kind could properly come within the contemplation of the House.

The latter clause, as moved by the Lord Chancellor, was agreed to, as likewise the other, for ordering the manner of constituting the court to be exactly similar to the mode prescribed, by the act of 22 George II. by a sign or flag hoisted aboard a certain ship, &c.

The several amendments being agreed to, the bill was ordered to be reported the next day.

December 22.

This bill was accordingly this day reported, and the Lord Chancellor's amendment of substituting "infirmities" instead of "indifferent state of health," amended by substituting the words "infirm state of health" for "infirmities," on a motion of the Marquis of Rockingham, and the bill and amendments ordered to be sent to the Commons for their concurrence.

December 24.

This day, the bill being returned by the Commons, without any alteration of their Lordships' amendments, it received the royal assent by commission, and the House adjourned to the 20th of January.

January

January 20, 1779.

The Lords met, pursuant to adjournment, but there were no debates on any public business until the fifteenth day of February.

February 15.

Duke of *Bolton* stated a kind of complaint, that he could not procure the memorial sent to the admiralty-board, and signed by the members of the court-martial, complaining of the inconveniences of being confined to the house where the court-martial was held during the trial. His Grace said, that he had applied to the president, Admiral Pye, for a copy, while at Portsmouth, but that he left town without receiving an answer from Sir Thomas Pye, who had written one. His Grace complained that this answer from Sir Thomas Pye had been delayed at the post-office, as appeared by its date, and the post-mark on the outside, and that it had been opened; he was sorry, he said, to observe, that it had been the shameful practice of late to open letters of private correspondence between gentlemen, though contrary to the oath of the post-master general; and he hoped, as one of them was a member, and present, this matter would be explained.

Duke of *Richmond* moved for a copy of the charges, trial, and sentence of the court-martial held on Admiral Keppel, which was agreed to. A question arose upon the propriety of the motion, whether it should be by address to the throne, or by an order to the proper officer, in which the Lord Chancellor supported the propriety of the address; and the Duke of Richmond and Lords Camden and Effingham were for the order to the proper officer, which was at length agreed to.

The Marquis of *Rockingham* then rose and acquainted their Lordships with his intention of moving the thanks of the House, the next day, to Admiral Keppel. His original intention was to have moved it immediately, but as he wished not to have his motion considered as a motion of surprize, he thought proper to give this intimation. Objections were taken by several noble lords, as to the most proper mode of getting at the papers, by the Lord Chancellor and Lord Sandwich, but at length the following motion was made, put, and carried.

"That the proper officer be ordered to lay before that House, copies of the charge and sentence, with a copy of the proceedings relatiee to the trial of Admiral Keppel."

Febru-

February 16.

Duke of *Bolton* opened the business of this day, with stating more circumstantially his grounds of complaint against the stopping or delaying his letters in the post office. The matter being rather of a private than a public nature, the House seemed desirous to get into the order of the day.

As soon as his Grace sat down, a cry arose for the order of the day, which was loudly pressed for by several court Lords. The Marquis of Rockingham had already presented himself to the house.

Earl of *Sandwich* wished to have the first order of the day first gone into; that respecting the second reading of the bill, for altering some of the provisions of the statute of the 22d of the late king, for the regulating and good government of the navy; the more particularly so, as he had a motion to make respecting it.

Earl of *Denbigh* warmly urged the going into the first order of the day, in preference to every other business.

Duke of *Chandos*, Lord *Dudley*, and some other noble Lords, declared themselves of the same opinion.

Earl *Bathurst* spoke to order. His Lordship observed, that there was more than one order stood for this day. That in general the order first entered on the journals was entitled to precedency, as a matter of course; not but their Lordships were competent to postpone or anticipate, as they might think proper. A clear distinction was visible on the present occasion, because the order to which the noble Marquis, now on his legs, had rose to speak, was an order on which their Lordships had been specially summoned to attend, and which in fact, as well as the genuine language of Parliament, rendered it the first order of the day.

Earl of *Sandwich* and Lord *Dudley* both spoke to the point of order, and controverted the doctrine laid down by the learned Lord.

Lord *Chancellor* said he was far from acceding to the proposition, in the extent it had been laid down by the learned Lord; but it was, in his opinion, a matter of such indifference, that he wished the noble Marquis might be permitted to proceed.

Marquis of *Rockingham* then moved, "that a copy of the sentence of the court-martial upon the Hon. Augustus Keppel, admiral of the blue, together with the charges exhibited against said admiral, by Vice-Admiral Sir Hugh Palliser, relative to the conduct of his admiral, on the 27th and 28th of July last, be now read," and the same being read accordingly,

He

He introduced his motion with a few prefatory observations on the eminent deserts of the admiral, whom he was proud to call his honourable friend; on the cruel treatment he had received from administration, and the means that had been devised to rob him of his life, or, which to him would appear infinitely more terrible, to disrobe him of his honour and his professional reputation.

His Lordship then entered into detail. He descanted on the nature of the charge, the time of bringing it forward, the particular circumstances which brought it into existence, which was a principle of self-impunity and recrimination in the accuser, and of malevolence, envy, and persecution, in those who had the power, but not the will, to put a stop to such a scene of cruelty and injustice, in the first stage.

He presumed, that after hearing the contents of the papers which had now been read, there would be very little occasion to have recourse to any other proofs of the propriety of the motion he was about to make. A motion to return the thanks of that House to the gallant admiral for his very meritorious services; for he doubted not, but it would be agreed to by every individual Lord present.—Even his secret enemies, if any such were present, would find themselves so peculiarly circumstanced, as to contradict their inward feelings and secret wishes, on the present occasion.

Being on his legs, however, he could not omit the opportunity he had of his testifying his sentiments, respecting that great naval officer, whom he esteemed to be the pride and ornament of his country; of consummate skill and experience in his profession, and one of its best bulwarks in the hour of danger.

He did not mean to give offence, but he could not help observing, that there were many very suspicious circumstances attending the fate of this great man, from the very day of battle, until the instant he was brought to trial. He was then in the country, and occasionally moved to several parts of it, and he could not but observe, that no sooner had the account of the engagement reached the public knowledge, than reports, pretended facts, anecdotes, and remarks on the admiral's conduct, began to be disseminated to his disadvantage. He knew the zeal, the ardour, the ability, of Mr. Keppel, too well to permit those reports to make the least impression on his mind. As certain periods advanced, he was more and more convinced, that those misrepresentations originated all from the same quarter; yet when the charges came forward in the powerful, formidable shape they did, he confessed, he was staggered; and though he never doubted of the admiral's zeal, cou-

courage and ability, as as a seaman, he confessed he retained some doubts, whether from his liberality of spirit, and consciousness of having acted as an honest man, and performed his duty, he had not administered a pretence to his enemies to effect his disgrace.

That it was this particularly which called him down to Portsmouth, to be present at the trial. There he stayed the greatest part of the time, and that was the only apology he had for being absent from his place in that House for five weeks; an absence otherwise inexcusable at so critical and important a period as the present: a period in which the utmost exertion of every one of their Lordships was so pressingly called for.

This attendance at Portsmouth led him to be a witness of the exemplary conduct of the court-martial; a conduct, considered with all its circumstances, which must do the gentlemen who composed it eternal honour, in the eyes of every noble and learned Lord present. He wished to avoid particulars; but only consider, for an instant, their patience and forbearance. To sit to hear out a cause, to the very last stage, which the evidence in no part, on the side of the prosecution, was able to support. Such an accusation, he appealed to the noble and learned Lords present, and which was known to every person conversant in our judicial trials at common law, as would not be permitted to remain an instant in court. But that was not all; when even these forms were gone through, what further task did the court impose on itself? Not the bare acquittal, as a matter of course on the evidence brought to support the prosecution. No; though a court of justice, they went a step farther; they acted as a court of honour. They admitted the admiral to his defence, when no defence was necessary, except in the full maintenance of his honour. They sat several days, only to hear so many fresh evidences of his skill, valour, and conduct; and the result of the whole was, that from the malice of his enemies, Mr. Keppel arrived to an honour which no other professional man ever experienced, were his victories or services ever so transcendently meritorious. The most able, disinterested, and gallant set of officers, that ever did honour to any country, seemed to vie with each other, and contended which should be most loud, decisive, and warm in bestowing the highest, the most deserved, and best earned encomiums on his good conduct, bravery, and unrivaled judgment.

The Marquis concluded with observing, that he found himself obliged to check his feelings, lest a zeal flowing from the

the most full and compleat conviction, should adopt the appearance of prejudgment or partiality; or as if so eminent and illustrious a character called for the aid of his feeble voice to proclaim what must now be acknowledged by his greatest enemies.

The Marquis then moved, "That the thanks of this House be given to the Hon. Admiral Augustus Keppel, for his distinguished courage, conduct and abilities, in defending this kingdom, in the course of the last summer; effectually protecting its trade, as far as his command extended; and more particularly for having gloriously upheld the honour of the British flag on the 27th and 28th days of July last."

The motion was seconded by the Duke of *Bolton*, and agreed to, and was followed by another, to desire that the Lord Chancellor do cause a copy of said vote to be transmitted to the said Admiral.—Ordered.

(COPY.)

SIR,

I have the satisfaction to have received the commands of the House of Lords, *nemine dissentiente*, to transmit to you the thanks of their Lordships for your conduct in defending this kingdom, protecting its trade, and maintaining the honour of the British flag, expressed in the fullest and highest sense of applause.

No private voice can add to so splendid an encomium—permit me, however, to congratulate you on this distinguishing mark of approbation, which a grateful country confers on your zeal and merit in the service of the public.

I have the honour to be,

Ormond-street, 16*th* Sir,

Feb. 1779. your most obedient humble servant,

THURLOW.

Die Martis, 16 *Februarii*, 1779.

Ordered, *nemine dissentiente*, by the Lords spiritual and temporal in Parliament assembled, That the thanks of this House be given to the Honourable Admiral Augustus Keppel, for his distinguished courage, conduct and ability in defending this kingdom in the course of the last summer, effectually protecting its trade, as far as his command extended; and more particularly for his having gloriously upheld the British flag on the 27th and 28th of July last; and that the Lord Chancellor do cause the same to be transmitted to the said Admiral.

ASHLEY COWPER,
Cler. Parliamentor.

Mr

My Lord,

The very distinguished notice which the House of Lords has been pleased to take of my services in the course of the last summer, confers on me the highest honour; the advantages which their Lordships have thought worthy of their thanks, are due to God's blessing, to the gallant behaviour of many great and able officers who served in the fleet, and to the bravery of the seamen. I can only say, that the warmest gratitude for this great honour and favour will make me ever desirous of meriting it by the most strenuous endeavours to serve my country.

I beg leave to return your Lordship my best thanks for the flattering and polite manner in which you have been pleased to communicate to me the resolution of the House.

I have the honour to be,
with much respect,
your Lordship's most obedient
and very humble servant,
A. Keppel.

Audley-square,
Feb. 17, 1779.

To the Right Hon. Lord Thurlow,
Lord Chancellor.

Duke of *Richmond* stood up, he said, to move for certain papers respecting the management of Greenwich hospital.

His Grace opened shortly the grounds of his motion, and the objects to which he meant to direct them. He said, the motives which more particularly brought him into this business, was the printed case published by Captain Baillie, which as a governor of the hospital, he sent to him. If the facts stated therein were true, and could be supported by proper evidence, it was plain to him, that the charter was violated; the powers derived under it abused; and the whole of that noble and extensive provision for veteran seamen, retired from service, or rendered, through age, infirmities, or the wounds received in their country's cause, unable to go to sea, most shamefully mismanaged or neglected. Nay more, if it should come out, that the very man, who, as an act of duty and humanity, endeavoured to point out those abuses in order to correct or remove them, was crushed by the weight of power, it would be a matter deserving, highly deserving their Lordships' attention, to discover by what means this was effected. It already appeared that Mr. Baillie was a prosecuted man; he had been brought into Westminster-Hall, under circumstances the most ruinous and oppressive, if innocent. He had been dismissed from his post; and when the papers moved for came before the House, accompanied with the necessary

cessary parole evidence, it would remain with their Lordships to determine, whether Captain Baillie was not a persecuted as well as a prosecuted man.

His Grace made the three following motions, which after a very tedious, and, to the extent it was carried, a very uninteresting discussion, passed in the affirmative.

That there be laid before the House a copy of his Majesty's charter incorporating the commissioners and governors of the Royal Hospital for Seamen at Greenwich, dated 6th December, 1775; also

Captain Baillie's letter to Lord Sandwich with his printed case, of the 7th of March, 1778; also

A Copy of Captain Baillie's official letter to Mr. Stephens, Secretary to the Admiralty, inclosing another printed case of the 26th of March, 1778.

Earl of *Sandwich* declared, that the second paper moved for by the noble Duke was lost or mislaid. He remembered he received such a letter with the publication alluded to, but he had not seen it for a month past, nor could after the most diligent researches find it. There was not a scrap of paper in his possession, which he had not that morning turned over, but all to no purpose. But he believed the letter was of no great consequence: it was of a private nature, and addressed to him in his individual capacity.

Duke of *Richmond* would not admit that it partook in the least of the nature of a private letter. It was addressed to him in his official character, as first commissioner of a board, which had the controul, and in a great measure the direction, of the hospital. The paper was of a public nature, and was of great consequence to the enquiry; and if any person in office could rise in his individual capacity and say, that he mislaid an official paper, the proper custody of which did not belong to him, then indeed all motions for papers might be rendered nugatory and ineffectual.

Earl of *Sandwich* replied, that he did not wish to withhold the paper, though he still thought it of a private nature, when addressed to him. Probably Captain Baillie might have a copy of the letter by him; if he had, and produced it, and that it corresponded with that addressed to him, he was very ready to acknowledge the contents, as far as his memory served him to recollect them. As to the noble Duke's application of a withholding public papers, he was conscious, so far as it applied to his conduct in the present instance, that he was entirely innocent. The letter was either lost or mislaid, and all the reparation in his power to make, was to acknow-

ledge

ledge the receipt of such a letter. He hoped the accident was no crime; if it was, he was ready to submit to it with all its consequences.

Lord *Chancellor* observed, that the motions made by the noble Duke seemed to be improper on two accounts. To call for private letters under the idea of making them public documents for parliamentary enquiry, was in his opinion extremely improper; while, on the other hand, it was equally improper and unprecedented, to call upon administration for publications which were in every body's hands. The printed case alluded to was disseminated through the whole kingdom, and why the admiralty-board, or any other board or office, should be called upon to produce what was either notoriously known, or might with facility be procured in another manner, appeared to him a very novel mode of parliamentary proceeding. Two things were necessary in the moving for papers. The first, that the papers sought be particularly described; the other, that they should be office papers, properly so called. Neither the printed case nor letter came, in his opinion, within these descriptions; and if a latitude of calling upon the King's servants in any manner and upon every occasion was to prevail, the consequence would be, that any paper, however impertinent to the matter before the House, might be called and deemed a document of office.

Duke of *Richmond* said he was ready to join issue with the learned and noble Lord. The letter came within his Lordship's own description. It was sent from an inferior to a superior officer, upon a subject competent to the officer to state, and for his principal to enquire into, to see whether the matter so stated was well founded. As to Captain Baillie's case, which the learned Lord had already prejudged, he could not say, but the learned Lord's language was rather a little extraordinary, to call a publication impertinent which was not before the House, and of course on which no opinion whatever could be regularly given. It was not usual in that House to condemn even in argument, any publication before it was properly before the House, much less before a syllable of its contents was supposed to be known. Probably the noble and learned Lord had formed his opinion before he became a member of that House, when he was consulted as counsel by the admiralty-board in the prosecution of Captain Baillie; and upon that view of the printed case, and the impression it made upon him at the time, was induced to call the paper impertinent.

Lord

Lord *Chancellor* explained what he meant by the word *impertinent*, which was no more than it was not pertinent to the objects of the enquiry; and not, as had been imputed to him by the noble Duke, giving his opinion on what the publication contained. The matter might be pertinent, and the moving in the manner adopted by the noble Duke for the paper, might be improper; because not being an office document, none of his Majesty's servants were, or ought to be presumed to be, in possession of it. He said, there was nothing he more earnestly desired, than to conduct himself with coolness and temper, nor than to prevent any deviation from it in others; and he could not but say, that he was peculiarly unfortunate, to be singled out as a person guilty of the very error he so industriously laboured to avoid.

Duke of *Richmond* acknowledged that he was naturally warm, and had never studied so much to thwart his native disposition when he thought he was in the right. The learned Lord's explanation of the word *impertinent*, was a clear proof that the learned Lord himself saw plainly, that it admitted of a double meaning. He acquiesced, however, in the learned Lord's interpretation, that impertinent sometimes signified not pertinent or applicable, not apposite or belonging, and on other occasions, according to the general sense of the whole phrase, impertinent meant rude, insolent, or pert.

Earl of *Sandwich* proposed to amend the question, so as to avoid the objection stated, and yet include in it every thing desired or proposed.

Duke of *Richmond* replied, that he did not desire any noble Lord to rise and give himself the trouble of framing a motion for him.

The question was put on his Grace's respective motions, and carried without a division or further opposition.

Earl of *Sandwich* now rose, and moved for copies of all memorials, reports, &c. received at the admiralty, from the commissioners, directors, and deputy governor, since the year 1775, together with a list of the several officers belonging to the hospital, with the dates of their several appointments. Ordered.

Adjourned to the 18th.

February 18.

Order of the day for the commitment of the Duke of Bolton's marine bill.

Lord *Chancellor* observed, that he thought it would be highly expedient to postpone the commitment for a few days, till the bill prepared in the Lower House might be brought

 before

before them. There were several amendments made in the act alluded to there, and it certainly would be proper to wait a little for an inspection of them, that they might adopt or reject, just as they thought proper. He had been told, indeed, from respectable authority, that there were none of these amendments that were likely to be received; but yet, as the reception of them was possible, it would certainly be wise to defer any step that must preclude that reception, till after their contents had undergone a proper examination. He therefore moved, "that the consideration of this bill be put off till Thursday se'nnight, the 25th."

Earl of *Effingham* contended, that this was shewing the utmost indelicacy towards the noble Duke, who had brought in this bill. It was attempting to make it subservient to another bill, originating at a subsequent period, and coming from another quarter. His Grace had given very early notice of his intention, and this method of taking his design out of his hands, by promoting a similar act from a different authority, could neither answer any possible purpose, nor did it consist with that decency and politeness, due to the person who made the original motion.

Duke of *Richmond*, in reply to the Lord Chancellor, said, that he had heard with astonishment, a man of his talents, reason so lightly on the subject before them. His Lordship, he said, argued in this manner: here is a very good bill before us, a bill entirely unexceptionable; there is another in the Lower House, which is not before us, and which is very exceptionable; but we shall not give our consent to that which has no defect, because there is another extraneous bill which abounds with defects. It was moreover, he said, unparliamentary to recur to the proceedings of the other House. The proceedings of that assembly were nothing to them, if they did not lie before them. His Grace farther remarked, that it was contrary to the order of their proceedings, to introduce any new motion till the order of the day was dismissed, and therefore the consideration of the present bill might be deferred by consent, but not otherwise: for his part, as there was but a thin assembly, he should be very agreeable if the matter was postponed.

Lord *Chancellor* agreed to this, and said, that all he wished for, was to prevent the absurdity of a duplicate act, and to admit the possible opportunity of improving the one bill by the other.

Earl of *Effingham* remarked, that the sole object of the Duke of Bolton's bill was, to give relief to the members of future

future courts martial, and as he understood another would speedily be held, they ought not to lose any time in waiting for a bill from the commons, which had other objects in view, such as amending other clauses in the old act, which might take up a great deal of time.

Duke of *Bolton* was much surprised to find any opposition to proceeding on his bill; he had understood from a noble Lord then absent, that none was intended to be made in the committee, and therefore he had not summoned the House. He supported Lord Effingham's idea, and added, he knew the naval officers wanted no other relief than the repeal of the clause proposed by his bill, and if they went upon any other plan of amending the old act in the other House, their bill would be lost. However, observing a thin House, he moved to discharge the order of the day, and to make another for going into a committee upon it next day.

February 19.

The House resolved itself into a committee of the whole House, Lord Scarsdale in the Chair, on the bill for amending the act of 22d Geo. II. relative to courts martial, which being gone through without a debate, the same was ordered to be reported.

Duke of *Richmond* desired to trouble their Lordships with a motion of the utmost importance intended to have been made, with many others, by a noble Earl [Earl of Bristol] whose professional knowledge made him master of the subjects to which they related, but whose long ill state of health deprived him of the honour of attending the House. He should say nothing in explanation of the motions, but should reserve his sentiments to the time when the papers to be called for by them should be taken into consideration. His Grace then moved, "that an humble address be presented to his Majesty, that he would be graciously pleased to order the proper officers to lay before the House a list of the royal navy, as it stood upon the navy-board in January 1771."

Earl of *Sandwich* said, that all motions for papers, or on any matter regarding himself as a private individual member of administration, or of the particular department in which he presided, he should most readily acquiesce in; but whenever any motion, supposed to relate only to himself, stood connected with the state, and the going into it might prove prejudicial to its true interest, he should strenuously oppose it. As to the present motion in itself, he saw no harm in it; but as he imagined it was to be followed by others, which probably would be of a similar nature, and bring the state of the

navy before the House, down to the present time, he should certainly object to it, because he thought this matter had been carried too far last year, and had given information to our enemies.

Lord *Chancellor* said, he spoke to order, and submitted to the opinion of the House, whether this motion, standing as it did by itself, without any explanation of the designed purport, or the object it aimed at, was of such a nature in point of parliamentary wisdom, that it ought to be put at all. His Lordship said, it was not sufficient for any Lord to move for papers; he should make it appear that he had reasons sufficient to make it competent with the wisdom of the House, to call for such papers. The motion he considered as frivolous, tending to no end of any public benefit or utility, he should therefore certainly object to it.

His Lordship was up several times. The principal arguments he made use of were, that as the House was to address his Majesty for the papers, and not the particular member who made the motion, it behoved the House to have the whole matter before them, that they might judge of the necessity, importance, and expediency of calling for any particular papers; and he was free to confess, that if the motion made, and those that were to follow, had any tendency to expose the state of the fleet to our enemies, he should be against them all. He therefore wished the noble Duke would explain, with his usual candour, the whole intent of the motions in his hand. And he begged their Lordships to consider that they were not like men cooped up in a corner of a cabin revealing their sentiments only to each other in secret, but what they said was to be proclaimed abroad; and whatever members of either House of Parliament thought fit to declare in their debates, would carry a weight out of doors in proportion to the dignity and respectable characters of the speakers; on which account he cautioned them not to add to the avowed dangerous state of the times, by entering into enquiries, which, upon a presumption that there is any mismanagement, or any weakness in our navy or government, would only increase the misfortunes of the nation, by revealing them; his Lordship also argued strongly against general assertions being thrown out against members of administration being Peers of that House, without having specific charges against them, to be supported with evidences of the facts.

Duke of *Grafton* contended for the motion as it stood singly; it was sufficient that it was made by a noble Duke; any Peer

Peer had a right to make a motion, and it was agreeable to parliamentary usage to demand the papers of public offices without assigning the motive. The nation is in critical circumstances; the public expect an enquiry into the conduct of its rulers, and Parliament would be reduced to a mere register office, if this privilege was to be given up.

Lord *Camden* spoke chiefly to the point of order, and appealed to the journals of the House, and to the memory of every Peer of old standing in the House, whether it is not the constant usage of Parliament for individual members to make motions for papers, without entering into the intention of the motions, till the papers were before the House, and some resolutions respecting the subject matter of them were to be deduced from them. In his opinion such motions were to be put, without further question upon them, and either accepted or rejected.

Earl of *Shelburne* supported the same argument, but wished the noble Duke, who made the motion, had satisfied the noble Lords on the other side, that all his motions tended to some national object, and were not designed to convey any information to the enemy; for if they were, he would be the first to put a negative upon them. But he was sure no such thing could be meant.

Lord *Weymouth*, against the motion, contended, that exposing the state of the navy would be of dangerous consequence, and he saw no end it was to answer.

Duke of *Chandos* said that he had a great respect for the noble Lords on both sides the House, but he thought the season too far advanced to be losing time upon unimportant papers, when so much national business, at a most critical juncture, called for their serious deliberation; such as strengthening the hands of the crown against a potent enemy, and finding the means of uniting in one common cause.

Duke of *Richmond* rose again, and having maintained the importance of his motion, said he would now read the other motions which he intended to make, viz.

" That his Majesty be graciously pleased to order the proper officers to lay before the House, an account of all the droits of the admiralty since the year 1771, with an account of their several disbursements.

" That his Majesty be graciously pleased to order the proper officers to lay before the House, an account of the state of the navy from the year 1751, to the year 1759, inclusive, specifying the number each year.

" That

"That his Majesty be graciously pleased to order the proper officers to lay before this House a list of all the ships lost, taken, or destroyed, from the year 1751 to 1759, as well as those from the years 1771 to 1778 inclusive.

"That his Majesty be graciously pleased to order the proper officers to lay before the House copies of instructions to Admiral Byron from the time of his sailing last June to his first destined port."

These were his several motions, and he should insist upon putting each separately.

He avowed that it was his intention to make an inquiry into the state of the navy, by comparison of what it was at the time when the noble Earl came to the head of the admiralty, upon the resignation of the very great and able admiral, Lord Hawke, who presided at that board till 1771. The nation he said had been deceived, and he meant to ground upon these papers, charges of malversation against the noble Earl who has been upwards of seven years at the head of the admiralty, and to open the eyes of the King, the only man in the nation who does not know the real state of his navy. If the noble Lords who objected to his motion meant to put a negative upon his motions, they would do the rashest thing that ever was done in Parliament, they would stop an inquiry which the nation expected, and God knows what would be the consequence. Even in the most despotic countries, when the people's patience was wearied out with repeated misfortunes and disgraces, they found a way to get a Vizir's head. He defied them to point out any danger that could arise to the state from any of his motions.

Duke of *Grafton* said he hoped the House would not think him disorderly in rising twice, for as the noble Duke had now read all his motions new matter arose from them, otherwise he should not have troubled their Lordships again, as he was determined to observe the rules of order laid down by the noble Lord on the woolsack, who he hoped would himself take care to set them the example he so often urged. This alluded to the Lord Chancellor speaking several times to the first motion, before the others were read. His Grace declared that the kingdom could not be rescued from impending danger if those men who had mismanaged its affairs so long were not removed, and abler men put in their places; it therefore was absolutely necessary to enquire into their conduct; and as the mover of the question had not only avowed his intention, but his hopes of being able to prove specific charges against one

one branch of administration, there was an end of the rights of Parliament if such enquiries were to be stopped by the mean subterfuge of pretending to say it would expose our naval strength to the enemy. Was there a newspaper published that did not give an account of the number of ships put into commission, with the names of the captains; and did not the port lists from Portsmouth and Plymouth always announce them? In short, the ministry had disgusted, disgraced, and driven from the public service our ablest and best commanders by land and sea; and now would they be so rash as to go home to their families and tell them, we have taken shelter under the pitiful pretext of not disclosing our naval strength to the enemy, and have put an effectual stop to all enquiry into our conduct. It was beneath the dignity of a Peer. If the noble Lord knew himself to be innocent, let him stand forth boldly, and meet the enquiry like a man.

Earl of *Sandwich* desired to exculpate himself from the charge of having disgraced any commander, and supposing Admiral Keppel to be alluded to, said he had done all in his power to prevent matters being carried to such length, and said it was owing to a declaration of the noble Earl for whom the Duke of Richmond made his motions [the Earl of Bristol] that any court martial was held. "My opinion," said his Lordship, "was before the trial, and is still, that none of the officers were to blame in the action of the 27th of July; but after the declaration, that the commander in chief would not serve again with the vice admiral, a trial was the only method of acquitting the admiral; the admiralty had no power to delay it, and it was a matter of great kindness to Admiral Keppel to order it directly; for his principal evidences were under sailing orders, and would have been out of England, if they had not been detained for the trial.

His Lordship being asked by the Duke of Richmond, if the House was to understand that a court-martial was ordered on Sir Hugh Palliser, and by whom the charges were to be brought, for he was sure Admiral Keppel had forgiven him, and would not be his accuser, Lord Sandwich replied---the admiralty-board having found matter which tended to criminate the vice admiral in the minutes of the late court-martial, they have given him notice to prepare for his trial; from the date of such notice, the appointment of a court-martial takes place, though the particular day is not fixed till a few days before the trial begins. His Lordship now requested it as a favour that no Lord would oppose the motions, as he would

not have the idea go forth that he had endeavoured to stop a parliamentary inquiry into his conduct.

Duke of *Bolton* vindicated the absent Earl of Bristol, and said it was unfair to make such an attack on his character, which he should be told of, and he did not doubt he would some day or other complain of it in his place. It was well known that Sir Hugh Palliser, by his letter in a public newspaper, had first set the nation in a ferment, and then the first lord of the admiralty, without any deliberation or consultation, partially brought the commander in chief to trial, and not the vice admiral.

Duke of *Richmond* was severe on Lord Sandwich, for declaring that he thought none of the officers were to blame, in the very same breath that he had mentioned the mode of ordering a court martial on Sir Hugh Palliser; his Grace said, this was passing a judgment of acquittal of Sir Hugh before the trial, and contradicting the resolutions of the late court-martial; the depositions of several witnesses who had charged Sir Hugh with disobedience of orders, and the votes of thanks of both Houses of Parliament to Admiral Keppel.

Motion agreed to. Adjourned to the 22d.

February 22.

No debate.

February 23.

Passed the Duke of Bolton's marine bill.

The following paper was delivered this day at the door of the House of Lords.

AT a time when we are threatened with war in so many different quarters, and the low price of the funds marks but too plainly the bad state of our credit, ministers are thinking of nothing, with regard to our finances, but new taxes. Now I would have every gentleman turn his thoughts to a much better resource, the faithful and frugal application of the money arising from the old ones.

Whether we consider the safety, the glory, or the commerce of our country, we shall not wonder that the British navy has always been a favourite object of the attention of a British parliament: the readiness, however, with which all demands for that service have been complied with, seems to have emboldened government to encrease in those demands, beyond all bounds of reason and moderation; and the suspicion of misapplication, which caused some late attempts in parlia-

parliament to enquire into the expenditure of public money, is almost changed into certainty, by observing the conduct of ministers, in opposing or evading such enquiry.

Very certain it is, that of all the public supplies, none afford such opportunity for plunder and embezzlement as those for the navy; on which account it may be worth the while of all persons in general, and of members of parliament in particular, to pay the greatest attention to the management of them. For the use of such as are unacquainted with the mode of making up the naval estimates, the following brief description is drawn.

When the number of seamen necessary for the service of the ensuing year is determined, the committee of supply vote the sum of 4l. per man per month, making 52l. a year for wages, victual and ordnance for sea service: now as half that sum is about the expence of wages and victual for the men, the remainder is certainly either out of all reason in peace, or vastly short in war. Supposing it to be a fair medium, the savings ought to be brought to account in peace, and the excess charged in war, which does not appear to be the case: on the contrary, when only 20,000 seamen are voted, half a million is left to a vague account, that is the ministers employ it as they think proper, and not under the strict limitation and disposition of parliament, as they ought to do.

The next thing is the *ordinary estimate of the navy*, which contains salaries to the admiralty and navy-boards, charge of the dock-yards, half pay to the officers, and other articles, as may be seen in the annexed table. The only observation here necessary, on that estimate, is, that the navy not being now stronger in proportion than in many former periods, when the expence was less, is a reasonable ground to suspect that all the money is not applied to the best advantage, until we are by fair accounts convinced of the contrary: and the refusing any account that is asked for, must, in the mind of all reasonable men, encrease the suspicion.

There is another estimate given every year in the following form:

An

An Estimate of the Charge of what may be necessary for the Building, Rebuilding, and Repairs of Ships of War in his Majesty's and Merchants' Yards, and other Extra Works, over and above what is proposed to be done upon the Heads of Wear and Tear, and Ordinary, in the Year 1772.

Navy Office, 30 th Jan. 1772.

Place where	Guns.	Ship's Names.	Nature of the Repair.	Time when may be taken in Hand.	completed.	Charge of their Hulls, Masts & Yards.	Rigging & Stores.	Total.
Portsmouth	74	Dragon	Middling	In hand	December next	7000l.	5478l.	12478l.
	50	Preston	Small	In hand	December next	3500l.	4104l.	7604l.

In this manner the estimate runs on, to the amount perhaps of two or three hundred thousand pounds, and seemingly with great accuracy; but how must any man be surprised to hear that the very individual Dragon, reported to Parliament to be *actually in hand*, and to be completed by a certain time, with so nice a calculation for her stores, had never been touched, or intended to be touched, but was merely made the vehicle for a demand of money! Nor does the evil end here; for though it is declared by parliament that money should only be applied to the service for which it is voted, and consequently altering the disposal is of itself liable to censure; yet when ministers not only confess they have changed the disposition of the public money, but when called on to give an account how they have expended it, if they not only oppose the giving such account, but persuade a majority of either house, to be so complaisant as to support them in the refusal, it is time to enquire whether that majority acted on an assured belief of the integrity of ministers, or whether any considerable number among them, by any pensions, places, expectancies, or other dependence, were or were not parties. If there is any reason to suspect the latter, it is time for all persons who have any thing to lose, to begin seriously to think of public accounts, and to resolve on exposing at least, if they can do no more, the shameful waste in every department, which has caused such a distressing burden on all persons of small and even middling fortunes, for the sole purpose of keeping in office a set of men whose only weight and influence in the community is by the corrupt dependence thus created.

When the writer first heard of an office giving in an account so fair and accurate to all appearance, but which was confessed to be in reality only fictitious, and that precedent and long custom had established such a dangerous opening to fraud, he was led to make some enquiry into the origin of these estimates,

mates, and much surprised at being told, that so far from there being any length of time to give a sort of prescription to the form and mode of them, that the first ever given to parliament was for the year 1751, and that it was thought on as the best way to avoid what had till that time been customary, the granting so large a sum as was required for building and repairing the fleet, in one vague vote, to be applied entirely at the discretion of ministers. To this purpose the house of commons addressed the king, in the latter part of the year 1750, that they might have a particular estimate before they voted the money: so that if the first estimate at least was not really a fair one, it was a pretty bold stroke of office. When this fallacious mode was first adopted, may not be easily proved; but it now stands confessed, and the public must think what they can about it.

Besides all this, the navy every year adds to the debt a large sum, which is expected to be provided for with as little enquiry as the rest.

Extract from the Commons' Address, May 31, 1711.

"————In examining into the state of the war, and looking back for the beginning of it, we find, that in several years the service has been enlarged, and the charge of it increased, beyond the bounds prescribed, and the annual supplies granted by parliament. To this *new and illegal* practice we must, in great measure, ascribe the rise and growth of the heavy debts that lie upon the nation: nor does the consequence of it end there; for we must also represent it to your Majesty, as a dangerous invasion of the rights of parliament. The commons must ever assert it as their sole and undoubted privilege, to grant money, and to adjust and limit the proportions of it; and when your Majesty has recommended to them to consider of supplies, and they have deliberated upon the several estimates for the annual services, and considered and determined what the nation is able to bear, their privileges would *be very vain and ineffectual, if after the respective sums are stated and granted, those through whose hands the disposition of them passes, are allowed in any measure to alter and enlarge them.*

"This is an attempt which very little differs from LEVYING MONEY WITHOUT CONSENT OF PARLIAMENT, as will appear to your Majesty from this one consideration; that a charge of that kind once incurred, and laid as a debt

upon

upon the navy, or any other public office, is so far binding upon parliament, that how little soever they approve of the means by which it was contracted, yet the public credit being pawned, the commons cannot, without the ruin of that, refuse to provide for it."

A little after, it goes on.

"——— With regard to the debts of the navy, we find *one great discouragement and burden*, which that part of the service has lain under, has been from *a liberty that has been used*, of diverting several sums issued to that service, and transferring them to other purposes."

The address is all worth the attention of members of parliament, and indeed the public in general, as it shews many other abuses, and particularly that great one, of leaving money unaccounted for in the hands of receivers.

ADMIRALTY INSTRUCTIONS.

At Whitehall, 13th June, 1763.

By His Majesty in Council.

THERE being this day proposed to his Majesty's council a draught of instructions for ascertaining the duty of the lord high admiral of England, the same were read and approved of, in the form following.

"That the lord high admiral be able at all times to give his Majesty a perfect account of the state of his navy, relating to the condition both of his ships and yards, with the stores remaining, persons employed, and services to be performed therein; and in order thereto, to see that all officers intrusted with the providing, receiving, issuing or expending of stores or monies, the impressing or otherwise procuring, entering, mustering, employing, or discharging of men, the estimating, performing or accounting, for any work or service to be done by themselves, or others under them, do with all diligence, faithfulness, and good husbandry, perform their respective duties in the execution of all commands they shall receive from his Majesty, or himself as lord high admiral.

And for the better enabling him effectually to do the same, he is, once at least in every month, and oftener as his Majesty's service shall require, to visit and set with the principal officers and commissioners of his Majesty's navy, at their public

public places and times of meeting, thereby to inform himself in the method of their proceedings, and moreover to demand and receive from each of them weekly, an account in writing of all matters relating to their respective charges, by which the state of each branch of the said office, and his Majesty's works respectively depending thereon, may be at all times distinctly known, and the lord high admiral thereby enabled to inform his Majesty, and otherwise issue such orders relative thereto as may best conduce to the advancement of any service either in doing or commanded by his Majesty to be done therein.

For the more regular and effectual proceeding on which services, he is to cause an estimate to be prepared by the comptroller of the navy, signed by three or more of the principal officers and commissioners (whereof the treasurer to be one) of the charge of each work and service to be done, before he issue any order for the doing thereof; which estimate being then signed by himself, he is, with the said treasurer, to present to his Majesty, and the same being by him approved, to assist the said treasurer in all his solicitations with his Majesty and the lord high treasurer, for the obtaining seasonable and sufficient supplies of money, for enabling the officers of the navy to proceed to, and duly carry on, each service required for them.

For the more regular disposing of which monies when received, and the necessary credit of his Majesty's service depending thereon, he is no wise to direct or permit the principal officers and commissioners of the navy to apply any part thereof to any other use than what it was originally assigned to, or paid in any other method or course than what is already or hereafter shall be to that purpose established by his Majesty in council. Nor is he, without order from his Majesty, to command or allow the principal officers and commissioners of the navy, commanders, or any other inferior officers or persons employed therein, to do any work or thing on which the use or expence of any of his Majesty's ships, houses, stores or treasure, doth or may depend, contrary to the known and allowed practice and precedent of the navy, nor by himself or his order to make or interpose in the making of any contracts for ships, stores, or ought else relating to the service of the navy, saving the contract which shall at any time be to be made, for the victualling thereof, the same being always to be done by his Majesty at the council-board, after

after being first consulted on and prepared by the lord treasurer and lord admiral.

And forasmuch as the weal of his Majesty's navy in an especial manner depends upon the integrity, diligence, and experience of the officers intrusted therein, he is to use his utmost circumspection in his choice of every of the said officers, and therein particularly to take care that virtue be encouraged, by the advancing of persons suitable to the knowledge he shall have of each man's deservings in his former employments, either from his own observation, or the report of the principal officers and commissioners of the navy, in relation to officers accountable for any stores, provisions, monies, or works within their inspection, or of the flag officers and commanders of the fleet, for the behaviour of those at sea, serving under them, and that no commission be granted by him on shore, to any commander, without the privity and approval of his Majesty first had in writing therein.

Lastly, he is to take care that in all matters herein not specified, he proceed in the well governing of his Majesty's navy, and performing the whole duty of lord high admiral of England, according to the known and allowed practice thereof, or the orders which he shall from time to time receive from his Majesty, and to see that a perfect and fair record and register be at all times duly kept by the secretary to the admiralty, as well as all such his Majesty's said orders, as of all letters, orders, instructions, estimates, commissions, warrants, articles exhibited to, and sentences passed in court-martial, journals, reports and certificates from the officers of the navy or others, passes, lists of fleets, stations, convoys, establishments of wages, rates of ships, numbers of men and guns, rewards, press-warrants, protections and all other papers and transactions whatsoever, whether at land or sea, within his cognizance as lord high admiral; and that the same be methodically by the said secretary digested, and safely laid up in some certain and convenient place, to be provided and employed as a standing office to that purpose, there to remain to the use of his Majesty, and information of all succeeding admirals, or any occasion of service calling for the same.

And it is further ordered, by his Majesty in council, that the said instructions be entered in the council-books, and a copy of them sent unto his royal highness the lord high admiral of England, to be observed accordingly.

February

February 24, 25, 26.

Adjourned to March 1, 2, and 3.

No debates.

March 4.

The Duke of *Richmond* rose, and after confessing his obligations to the House for their great condescension, in having so kindly put off the business of the proposed enquiry into the management of Greenwich hospital, more than once, on account of his personal indisposition, said, he should hold himself inexcuseable if he did not endeavour to shew the same attention to other Peers which had been shewn to himself; he therefore begged leave to inform the House that the Duke of Grafton and the Earl of Shelburne were extremely indisposed and incapable of attending; both those noble Lords had taken a great deal of pains to make themselves masters of the charge brought by the late lieutenant governor (against those whom he accused of mismanaging the hospital) and meant to attend particularly, and take an active part in the enquiry about to be instituted. As they were by illness prevented from attending, he should, with the consent of the House, move for the adjournment of the enquiry for a week.

Earl of *Sandwich* said, he had no other objection to the enquiry being postponed, but that a great number of witnesses were attending, and he had the proxies of several noble Lords. If, however, the House chose to adjourn the business, he would not oppose it, as he would be as ready to shew respect to the noble Duke and the noble Earl who were indisposed, as the noble Duke who moved the adjournment of the enquiry, or any other person.

The Duke of *Richmond* in reply said, that if there were a great number of witnesses attending, it was not his fault; he and the other noble Lords who thought the enquiry necessary had not moved for a great number of witnesses; all that they had moved to be summoned, were about sixteen or seventeen, and the remainder of an hundred (which he understood were in waiting) had been moved for by the noble Earl, for what purpose, he best knew. He said farther, that he wished to adjourn the enquiry, not from any motive or desire to postpone a very necessary business, but merely for the reason which he had already stated, viz. because that a noble Duke and a noble Lord, who meant to take an active part in the enquiry, could not attend. With regard to proxies, which the first Lord of the admiralty had mentioned, he thought, notwith-

notwithstanding the sanction of long-established precedent, that a great deal might be urged against the custom of voting by proxy. A custom which *prima facie*, was absurd, and which was not unfrequently put in practice in such a manner as to make noble Lords, who were absent, vote directly contrary to their sentiments. He mentioned various instances to be found on the Journals, of Lords proxies having been given in sanction to measures which they themselves, at a subsequent day, had disavowed any concurrence in; and among other cases of the kind, instanced the late declaration of a noble Lord lately ambassador to a power with whom we were at present in a state of war and hostility. In a late debate, that noble Lord had declared his hearty disapprobation of the repeal of the stamp-act; whereas on referring to the journals, it would be found that the noble Lord's vote had been given by proxy for that very measure. His Grace amplified upon the impolicy of voting by proxy, and sat down, wishing that the custom might be abolished.

Lord *Stormont* rose, saying, that he was totally unprepared, and had no idea of such an attack, respecting the practice of voting by proxy. Whether that practice was good or bad, whether it tended to forward the necessary measures of government, or not, was a matter in which he was no way concerned, but he would at any time take part with the noble Duke in investigating that point. The practice was certainly of long standing, and if he at all understood the nature of a proxy, it was the giving any Lord in whose wisdom and integrity the absenting Lord reposed an implicit confidence, a right to join the absent Lord's vote to his own, upon every public occasion. It was a trust, and as long as it was faithfully discharged, like every other trust, both the person giving the power, and the person holding it, discharged their duty mutually. At the time that the noble Marquis [Marquis of Rockingham] for whom he had the highest respect, came into administration, he had thought very respectably of his talents and intentions. He had also thought in the same manner of the intentions and talents of those who came into office with him. He was at that time at a great distance from the scene of parliamentary business, and he had begged a noble Duke not then in the House [Duke of Grafton] to do him the honour to accept his proxy. He was afterwards the more confirmed in the propriety of his conduct, because he had received intimation by letter, that it was the resolution of the ministry in all cases and on all occasions, to maintain

maintain the authority of the legislature of Great Britain. He remembered the letter particularly well, because it contained an intimation so perfectly coincident with his own sentiments, and for that reason gave him extreme pleasure. But when he found that afterwards, the then ministers had proceeded to repeal the stamp-act, he did not hold himself bound to espouse a measure of which he entirely disapproved; and therefore, when on a late occasion he had been suddenly called upon by a noble Duke to give an answer respecting his own conduct, he had said, that he did not consent to the repeal of the stamp act, and he conceived that he was perfectly warranted in such a declaration.

The Duke of *Richmond* rose again, and declared, that when he was speaking of proxies, he little imagined he should occasion so fine a declamation as the House had been favoured with by the noble Viscount who spoke last. The noble Viscount complained of his having attacked him; he begged the noble Viscount to reconsider what he had said, and he would see that he made no attack whatever, either upon him, or any other person. From what the first lord of the admiralty had said respecting proxies, he had spoken of the bad custom of voting by proxy. By way of illustrating his arguments, he had adverted to the last instance of the kind, that of the noble Viscount, whose proxy had been given for the repeal of the stamp-act, although he himself had since declared his disapprobation of the measure. Every word the noble Viscount had now said, his Grace contended, was a corroboration of what he had asserted in his reply to what had fallen from the first lord of the admiralty. It proved the inconvenience of admitting proxies as votes, and beyond contradiction manifested, that noble Lords proxies might be given in support of measures which they heartily disapproved.

Earl of *Radnor* said, he had often wished the custom of voting by proxy to come under the consideration of their Lordships. Before he was a member of the House, he declared, he had seen frequent instances of the custom's having been grossly abused, and particularly on one occasion, when the following proxies were given in upon the same division, and in favour of government; Lord Cathcart, then ambassador at the court of Pertersburgh; Lord Viscount Stormont, then ambassador at the court of Vienna; Lord Harcourt, then ambassador at the court of Paris; Lord Botetourt, then governor of Virginia, where he resided.

The enquiry into the management of Greenwich Hospital was, by consent, adjourned for a week.

Duke of *Manchester* rose, and said, that as the House was pretty full, and there was no particular business before their Lordships, he would take the opportunity of mentioning a matter which he wished much to have their Lordship's opinion upon. The House of Commons, his Grace observed, were on every occasion exceedingly civil to the members of that House, accommodating them, whenever they chose to hear their debates, with the best seats in their House. He thought therefore it was incumbent on their Lordships to shew the gentlemen of the House of Commons some civility in return; what struck him as proper, and what he wished, was, that they might be admitted between the throne and the woolsack, as had been customary in former times; and that the learned Lord on the woolsack might not be inconvenienced, he was of opinion that the easiest method of accommodating the gentlemen of the House of Commons, and of preventing their pressing too forward, would be to erect a bar across that part of the House.

Several Lords called out, "Move for a bar."

Lord Visc. *Weymouth* rose, and after declaring that no Lord in that House was more desirous than he was, that the gentlemen of the other House of Parliament should be accommodated as conveniently as possible, said, the question the noble Duke had adverted to, was a question, which, for many reasons, he thought should not be agitated. He reminded the noble Duke, that the standing order of the House was directly against the admission of any strangers, but that by connivance, and what he considered as a very proper connivance, strangers were daily admitted. With regard to that part of the House between the throne and the woolsack, it was well known that Peers' sons, Peers' brothers, and in fact every person any way related to a Peer had admission. He saw therefore no necessity for the noble Duke's making a motion, the essence and meaning of which was at present complied with. He further said, that he well remembered the time when crouds of strangers were permitted to stand near the throne; and it was then found extremely disagreeable; that the House proved most suffocatingly hot, and every Peer that day was most heartily glad to get rid of a matter so very offensive and so very inconvenient. The Viscount concluded with declaring, that if the question were put upon it, most certainly

certainly, as it militated against the standing order of the House, it must be divided upon, and he should, for the reasons he had assigned (although he wished to wink at the admission of strangers) hold himself bound to give it a negative.

Duke of *Manchester* replied, that the motion might be acceded to without being attended with any possible inconvenience. Among other proofs of the necessity of it, he instanced the having once asked leave for his own brother to be admitted to hear the debates, and to stand near the throne, but he could not obtain the favour. He said, he had mentioned this to several Lords at the time, and probably it might be in the recollection of some noble Lords who were then present. Whenever their Lordships chose to form the House into a secret committee, they had it in their power to lock their doors, and proceed to deliberate and debate in private; in any point of view he did not see that his motion could be followed by disagreeable consequences of any kind; he added, that it was surely no ill recommendation of it to their Lordships that it was founded on grounds of warrantable and necessary politeness. His Grace read his motion, and delivered it to the Lord Chancellor, "To put up a bar between the throne and the woolsack."

Earl of *Derby* declared, that the motion met with his hearty concurrence; that the gentlemen of the other House were remarkably civil to any Peer who chose to visit them, and that the House in return, by their late conduct respecting the discharge of the order for the erection of a gallery, had treated the other House with great rudeness and incivility.

The Lord *Chancellor* said, it was impossible for him to put the question upon a motion directly in the teeth of the standing order of the House. That the strangers might by connivance, as at present, be permitted to hear the debates, but that as long as he continued speaker of the House, it was his duty to stand up as often as a motion directly repugnant to a standing order of the House was offered, and to inform their Lordships, that it was contradictory to the order on their journals, and therefore ought not to be put. The present motion, even were it not so circumstanced, would, his Lordship declared, be attended with very great inconvenience if it were put and carried. The noble Duke, and every Lord who had spoken relative to the motion, had rested their arguments altogether on a wish to shew some particular civility to the gentlemen of the other House, in return for the civility they had experienced at the other House: if the case really rested

on that point, it was an extremely easy thing to meet the noble Duke's wishes without acceding to the present motion. Let orders be given to the door-keepers strictly to observe that no person passed them, or came in below the bar but members of Parliament. Under that restriction the gentlemen of the House of Commons would be much better accommodated below the bar than if they were crouded between the throne and a rail. It would also be a much handsomer compliment, and a greater mark of distinction to separate them from people of different descriptions, and to leave them the whole space below the bar. His Lordship added, that if the House thought proper to adopt this mode, he would answer for the door-keepers doing their duty, and for the regulation being strictly complied with; but he begged the noble Duke to consider, that urging his motion would be urging a matter contrary to the standing order of the House, now upon the journals.

Duke of *Manchester* said, though he had the highest opinion of the noble and learned Lord's knowledge of law, and the practice of the courts of justice, he could not very easily give up his acquaintance with the parliamentary forms and orders of that House, in which he had sat for many years, to any man living. His motion did not militate in any shape whatever against the standing order on the journals. Let the noble and learned Lord attend to the words of his motion; it was merely to order that a bar be erected between the throne and the woolsack; it left it entirely to the discretion of their Lordships what use to make of the bar.

Lord *Townshend* said, he wished that the gentlemen of the House of Commons only were admitted.

A debate upon the point of order whether any noble Lord could withdraw his motion after he had delivered it to the Lord Chancellor, here took place. At length it was settled, and the Duke of Manchester withdrew his motion.

March 5.

No debate. Adjourned to the 8th.

March 8.

No debate.

March 9.

Earl of *Sandwich* said, several motions having been made for papers, &c. relative to Greenwich Hospital, he must beg leave to explain why some of the papers which had been ordered, had not been presented; in particular, why the minutes of the council since the year 1774, had not been laid upon

upon the table. It arose, his Lordship said, from a misconception of the order of the House by the officers at Greenwich Hospital, from whence, and not from the admiralty-office, the minutes must come. It was intended that on the day of enquiry a clerk should attend with the books of the minutes, in order that occasional reference might be made to them when necessary, or when any noble Lord thought proper, and it was hoped that this mode of producing the minutes would have proved satisfactory, because that they were extremely voluminous, making upwards of thirteen volumes in folio, and consequently the copying of them would be a work of infinite labour, and a work of great time.

Duke of *Richmond* said, he should be perfectly satisfied with a clerk's producing them in the manner the noble Earl had stated; he rose only to exculpate himself from the ridicule he should have merited, if he had been foolish enough to have moved that thirteen volumes in folio might be copied; he had not at present either leisure or inclination to peruse so voluminous a work, and in fact it was only particular parts of those minutes which there would be occasion to refer to. He begged therefore the House to recollect, that it was the noble Lord at the head of the admiralty who had moved for those thirteen volumes in folio, and not him. He was moving only, on a prior occasion, for such particular papers as were immediately necessary to the purpose of the enquiry, when the noble Earl in office had got up and said, that he had prepared a sweeping motion, which extended to every paper, and every minute, which he could possibly want or ask for, and in that sweeping motion was comprehended the voluminous work which the noble Earl now alluded to, the thirteen volumes in folio. Having said this, the Duke added, he should take the present opportunity of moving for a few other papers, which were essentially important to the enquiry. His Grace then moved,

That the proper officer do lay before this House a copy of the letter of the 14th of August, 1775, from Captain Baillie to Mr. Stephens.

Also, A copy of a letter dated the 28th of August, 1775, to Mr. Stephens, inclosing an order of council.

Also, Copies of letters on the 17th and 18th of April 1776, to the committee of enquiry.

And also, A copy of a letter dated 17th of August, 1778, to the general court.

His

His Grace at the same time moved for the copies of two letters of different dates from Captain Baillie to the Earl of Sandwich.

Earl of *Sandwich* rose, and declared, that he could not answer to the House for the production of any private letter which had passed between him and Captain Baillie. The proper mode of correspondence with the admiralty-office, it was well known, was with Mr. Stephens, the secretary. That whenever, from the writer's want of knowledge of this established rule, letters were directed to him personally, which were really of a public nature, and referred to matters cognizable by the office, he always invariably sent such letters immediately to the secretary, for him to produce at the next board. That he had not the smallest objection to every thing which had passed between Captain Baillie and him being made public; neither should he be sorry if every letter and every note between them were pasted up at Charing-cross; he was sure he should derive no honour from them; and as to that honour Captain Baillie might derive, a short time would determine. He spoke therefore, on the present occasion, against the motion, not from any wish to keep back the papers in question, but from his doubt that he had them in his possesion, and his disapproval of the practice of calling for private letters in that House, which he was perfectly authorised to say was altogether unwarrantable by precedent, and unjustifiable in itself.

Duke of *Richmond* replied, that he never would agree to the doctrine laid down by the first lord of the admiralty, that letters directed to him, and not directed to the secretary of the admiralty, although they related to public business, were private letters, and therefore not fit objects of the attention of that House. His Grace shewed that either from an idea of necessary secrecy, from an idea of the application being more effectual, or from other causes, a writer might be induced to address the head of any board rather than an inferior officer of it, and he might prefer that mode on account of the greater importance of the subject on which he was to write. Such letters were to all intents and purposes public letters, and if they were not producible, a great deal of the blame which possibly might be found to be due to the first lord of the admiralty on the present occasion, or to other ministers, in any other case, might be escaped. In the present case it was perfectly a matter of indifference to him whether his motion was carried or not, for Captain Baillie *would necessarily* be examined at the bar in the course of the

enquiry,

enquiry, and he might be questioned as to the points on which those letters turned; he only spoke therefore in order to object to the doctrine of the first lord of the admiralty, and that the noble Lord might not in future have it to say, that the papers relative to which the examination must now go, might have been seen by the House, if they had been asked for in a fair and regular manner.

Earl of *Sandwich* said, that many of the letters which had passed between him and Captain Baillie, contained matters highly improper for the perusal of their Lordships; most of them were mere letters of application for favours respecting the latter. Letters in which the captain had courted his friendship and patronage, and had, in very lavish terms, proffered his services in return for any favour he would shew him. In many of them the captain had offered him his interest in Huntingdonshire, and promised to get him a great many votes. Captain Baillie, from his late publications, it seemed, had conceived a vast dislike to Huntingdonshire and its voters; but if the letters which he had received from him were produced, it would be found that he had once entertained very different sentiments. In one he remembered the captain mentioned a gentleman named Brag, and said, Mr. Brag could get him twenty-seven votes; it afterwards, however, turned out that Mr. Brag could only get two votes. In short, the letters, many of them were such trash, that he had thrown them behind his fire as soon as he had read them; he farther said, that however Captain Baillie or any other man might imagine he was to be won upon by addresses of such a nature, he was miserably mistaken; it was his custom always to receive the writers with outward civility, but in his own mind, he held them in great contempt, nor was any favour to be obtained from him in that manner. His Lordship again declared, that the letters addressed to him, and not the secretary, were not liable to the demand of any person whatever; if applications upon public business were so made, they were not made in the proper mode, and he could not answer to the House for producing his private letters.

Duke of *Richmond* in reply, said, that the enquiry about to be proceeded upon was not concerning Huntingdonshire, or Huntingdon voters, it was of a much more important nature; it was relative to the management of Greenwich Hospital, and the treament of the poor pensioners. The noble Earl at the head of the admiralty had, in his usual manner, endeavoured to enter previously on his defence, and to catch

the passions of an accidental audience. He did not know what was the cause of the late lieutenant governor's dismission, neither did he care; but from what the noble Lord had said, it possibly might turn out, that his crime was his not having been able to get more than two Huntingdonshire votes, where he had promised twenty-seven; be that as it might, he would not, while he had legs to stand upon in that House, give up the point, that all letters received by ministers on the subject of public business, were letters of a public nature, and letters, for the production of which they were responsible, whenever either House of Parliament chose to call for them.

Lord *Dudley* supported Lord Sandwich, and observed, that every minister, it was natural to imagine, received a great variety of letters so full of trash and nonsense, as to be unworthy of a single perusal; some from madmen, some from projectors, and others from weak men and ideots. That possibly the noble Earl at the head of the admiralty had received many, advising him of a new mode of manning the navy, building ships, procuring navy timber, &c. &c. projects which upon the face of them might appear too absurd to demand a moment's notice; the ministers of other departments might have received similar letters concerning their respective subjects of administration. Would any noble Lord contend that they were responsible for the production of such letters?

Duke of *Richmond* maintained his first assertion, and said he thought he foresaw the intention and trick of refusing the present letters; he conceived that the noble Lord at the head of the admiralty did not refuse them from any particular disinclination to their being seen, but that on a subsequent occasion on a different subject, the same excuse might be made, and that letters which had not been written by the secretary of any ministerial board, nor the answer received by the secretary of any ministerial board, might be withheld when asked for, under the plea that they were private letters.

Upon the question's being put, the two last motions were lost without a division.

The House next went into a committee upon the bill (from the Commons) to explain and amend the act relative to courts-martial.

Duke of *Bolton* proposed to leave out certain words in the clause, which gave leave to the court to quit the place of trial after the hours of sitting, and assigned his reasons for his

his motion, contending that the power was too extensive; that it was not required by the navy, and might be greatly abused.

His Grace was answered by Lord *Sandwich*, who read the letter from the court-martial held on Admiral Byng, complaining of the great inconvenience of being confined, and specifying, that though the wife and child of one of the court were dangerously ill within sight of the ship, that yet the officer was prevented from going to see them.

The question, that the words alluded to stand part of the clause, was carried without a division, and the committee went through the bill.

Duke of *Manchester* rose, and said he would not have again presumed to have troubled the House, on the subject which he had so lately rendered the topic of their debates, had he not so altered his intended motion, and so carefully framed it, that he did not imagine any noble Lord would now object to it. It was well known that the gentlemen of the other House of Parliament treated every one of their Lordships with great respect, whenever they chose to hear their debates; it was therefore incumbent, and he hoped every Lord would feel that it was incumbent, upon that House, to shew some mark of civility and respect in return.

For this reason he wished that the motion which he meant to offer might meet with general approbation. He had taken, his Grace said, particular care to word it in such a manner, that it should not militate against any one standing order of the House; no objection therefore could be urged against it on that head. As, however, if he read it without saying a word or two in explanation of its tendency, it might receive the epithet of trifling from those Lords who might disapprove of it (if any such there should appear) he would just open his meaning respecting it. He had seen several of the plans for altering the House and erecting a gallery, which Sir William Chambers had prepared, in consequence of the order of last year, and though he did not entirely approve of what he had seen, they served sufficiently to convince him, that a gallery for the accommodation of one hundred persons might be erected in such a manner, as neither to heat the house in warm weather, render it more cool in frosty weather, nor be an inconvenience to their Lordships in any shape whatever. Though, for the sake of guarding against offering their Lordships a disorderly motion,

tion he had so expressed it, that it went only to a general and perfectly harmless proposition, he made no scruple to avow that his wish to enlarge the House was not solely confined to the idea of accommodating the gentlemen of the House of Commons. He thought there were a great many persons of a different description who ought to be admitted. Many young gentlemen who might materially benefit their education from listening to the debates. Many others who, though not at present in parliament, might have views of obtaining a seat in the other House, or a chance of arriving at a seat in that; and a great number of others. His Grace dwelt for some time on the propriety of admitting strangers in general, of the necessity of paying the House of Commons a particular compliment, and of the power which would still remain with their Lordships of clearing the House whenever they thought the admission of strangers improper, or whenever, from the turn of the times, it was found advisable to shut their doors, and debate in secret. At length he moved, "That a committee be appointed to consider of means to make the House more commodious on such days as the doors were open."

The Lord *Chancellor* left the woolsack, and said, that since it was avowed that the purport and intention of the motion was to go against the standing order of the House, though the motion in its expression was not in the least disorderly, he had much rather that the avowal had been stated in the motion than omitted. He was exceedingly willing to say, that in his private opinion, he saw no objection to the admission of the gentlemen of the House of Commons by connivance, but as their better accommodation was the only avowed ground of the present motion, he saw no reason or necessity whatever of building a gallery or altering the House.

Earl of *Derby* supported the Duke of Manchester, declaring he felt an interest in his motion, and although he had the utmost respect for every thing which came from the noble and learned Lord on the woolsack, he could not agree with him on the present occasion; in fact, he thought very differently. He wished most heartily to return the civility of the gentlemen of the House of Commons, and he did not see that it could be better done, than by agreeing to the present motion; a motion which he was extremely anxious to support, but not merely on that account; because, greatly as he desired to pay the gentlemen of the House of Commons particular respect, he by no means wished to exclude all other strangers

from

from hearing the debates; on the contrary, he thought the whole public had a right to hear every thing that passed in that House, and that they ought to be admitted, as far as was consistent with the convenience of their Lordships, and as long as they preserved that decency of behaviour due to the House. There was scarcely a day, his Lordship said, that something materially interesting to every man in the country did not pass within those walls.

Earl of *Effingham* took the same side, and observed that there were days on which their Lordships could not, if they would, exclude strangers indiscriminately; a point which ought to weigh somewhat in favour of the motion, for that when the members of the other House chose to come in to hear the causes and trials at their Lordships' bar, the bar was so crowded with the counsel, the attorneys, the agents, the witnesses, &c. that there was not sufficient room for them to stand. He therefore pressed the motion, and said that the gallery might be appropriated to the reception of gentlemen of the Houes of Commons, and no other use, excepting only on days when the King came to the House, on which he wished that ladies might be admitted into it.

Lord *Townshend* declared he had no objection to returning the civility shewn to that House by the other, and wished the motion had been confined to that single idea.

Duke of *Manchester* said the ground of objection had shifted greatly since last Thursday [the 4th.] It had then been the argument against his motion, that the purpose of it was introduced in it; it was now the argument of objection that it was not introduced in it. His Grace mentioned the degree of candour and civility due from one Peer to another, and which had formerly always so far prevailed in that House, that when any one Lord offered a motion, not in itself pregnant with inconvenience, or contrary to the orders of the House, the motion was uniformly acceded to. The custom in modern times, he was sorry to say, was different. Politeness and good manners had fallen at the shrine of obstinacy and rudeness. In order to disprove this assertion, he hoped that noble Lords would have the candour to suffer a motion to pass, which was so harmless, and void of inconvenience as the present. Let the House recollect that it determined nothing, it referred the matter to a committee, in whom was vested entirely the power of deciding whether the House should be enlarged, or a gallery be built or not. His Grace observed that of late it was a constant practice to throw

throw the orders of the House in the teeth of every motion that was offered to their consideration. He begged leave to remind those who were so fond of the practice, that there were orders on the journals so formed, that if they were complied with, it would be morally impossible to go through half the business that each day occurred. Any one Lord had a right to call for those orders to be read. Among others, there was one that all bills be read aloud, word by word, and sentence by sentence. Any one Lord might object to every single sentence, and create a debate upon it.

The House divided. Contents 22, Non-contents 42.

March 10.

No debate.

March 11.

The Bishop of *Landaff* moved, for leave to bring in a bill for preventing persons divorced for the crime of adultery from marrying again with the partners of their guilt. Bill ordered in unanimously.

Heads of the Duke of Richmond's *Speech, previous to the House going into a Committee to enquire into the Management of Greenwich Hospital.*

Motives for making this royal Establishment.

His Grace observed, that the legislature wisely foresaw that nothing would operate more effectually towards manning our navy than to hold out to the seaman, that after he had fought the battles of his country, he would be sure of a comfortable retreat for life, when age, wounds, or infirmities, no longer permitted him to follow his profession. This consideration operated as an encouragement to enter into the service, it inspired him with alacrity and confidence while in; it created resolution to brave the greatest dangers, and bear the utmost fatigues. If he should fall, he would fall gloriously in defence of his country, or in maintaining its interest, fame, and reputation; if maimed, otherwise wounded, or rendered weak and infirm by long and severe service, he looked to Greenwich as his asylum, as his home and final retreat. There he looked for ease, quiet, and rest from his labours; there he looked for a decent, comfortable competence; thither he went to enjoy ease and tranquillity. Scarcely a seaman in the British navy but often in the course of his life passed that noble building, the sight of which suggested

gested the pleasing ideas and comfortable prospects now enumerated. Such ideas formed one great spur to exertions of bravery; they promoted fidelity, obedience, and good discipline. In short, they answered all the great ends which the first founders had in contemplation. He acknowledged that the very magnificent appearance of the building, one of the finest in Europe, was not without its allurements and effect; but he doubted much, whether that circumstance was not more than balanced by the unnecessary expence caused by keeping the building in repair, the salaries to officers, &c. and while he was upon this part of the subject, he thought proper to mention, that the number of pensioners in the House were at present about 2200, and the out-pensioners upwards of 500; that by the accounts laid before the governors it appeared that those maintained in the hospital stood the nation in 22l. 10s. *per annum* each, upon an average; while those out of the hospital cost the nation only five, in some instances seven pounds *per annum*. Here then, taking the highest computation, it was clear that the benefits of the foundation might be extended in the proportion of three to one; that in many respects, particularly when the superannuated seaman had a wife and family, he would be much better off, and more contented with a pension, and that indeed, in every instance almost, it would be more satisfactory to him, to return to his parish, and live in his place of nativity among his friends, relations, and connections. This consideration was only transiently thrown out; he observed, that it did not immediately mix with the matters which formed the particular business of the present day, though it was nearly connected with that general reformation, which the present enquiry was ultimately expected to produce.

On the Abuse of Charitable Foundations in general.

His Grace observed, that from the disposition of mankind; the temptations which power of every species held out; the negligence of those whose duty it was to attend to the trusts delegated; and the means of fraud and corruption which were necessarily put into the hands of ingenious and unprincipled persons, it was well known and universally acknowledged, that the revenues established or created for the stated support of charitable foundations, were in a greater or less degree always abused. Apply this observation to the revenues appropriated for the support of Greenwich Hospital, and he ventured

ventured to affirm, that the observation would prove to be true. He did not wish to be understood, to make a direct application to the proofs which might come out in the course of the enquiry to the extent they were stated in the complaint before the House; but generally that such was the consequence of all charitable foundations supported by stated revenues. The reasón was plain, those whose duty it is to see that the ends of the foundation are properly carried into execution, are ignorant or inattentive. If they know their duty, they are negligent and do not attend to it; if they do not know, they cannot perform the trust reposed in them. He confessed, that he stood in the latter predicament; for he did not know that he was a governor, till Captain Baillie addressed him in that capacity, and accompanied his letter with a pamphlet, stating the various abuses which had gradually crept into the administration of the affairs of Greenwich Hospital. Upon enquiry he found, besides the members of the naval and official boards, that the great officers of state, all privy counsellors, and several other persons were governors or directors: indeed, he believed, there was hardly a single Lord present who was not of the number, nor a single Lord not in office present who knew any thing of the matter. [Duke of Chandos desired not to be included in the number.] A single exception proved more strongly what he said. The noble Duke was, he presumed, very attentive to his duty; he had no right to doubt any thing which the noble Duke thought proper to assert. He could adduce an unquestionable proof, founded in experience, that charities supported by settled revenues were subject to abuse and malversation, which was that individuals and the public were always complaining of them, while those maintained by voluntary contribution were free from those objections. In the former, the ends of the charity were defeated, and the revenue appropriated to the disposal of the officers and particular persons entrusted by the constitution of the charity, whereas, those noble and extensive charities, the most noble and numerous in the world, which were supported by voluntary contributions in this great city, were conducted with ability and integrity, upon this clear operative ground, that those who have an interest in rendering them permanent, know, that if any frauds or abuses should be discovered, they would immediately, the support being withheld, fall to the ground.

State

State of the Revenues of Greenwich Hospital.

His Grace said, that the present nett revenue of the hospital amounted to between seventy and eighty thousand pounds *per annum*. The rental of the Derwentwater estate was about thirty, the nett receipt at the treasury of the hospital, 24,000l. The sixpence per man per month, from every seaman serving aboard the royal navy, produced sometimes more, sometimes less, according to the number of seamen voted and mustered; in times of peace, the number was comparatively small, in war time very great; at present it was about 26,000l. The sixpences paid by persons in the merchants' service, about 12,000l. the interest of 245,000l. three *per cent.* consols 7,320l. His Grace stated two or three other smaller sums, and made the whole, including the grants from parliament, to amount to upwards of 70,000l. *per annum*, in time of war, and about 60,000l. in time of peace. This, he said, was a noble revenue; and if faithfully applied, to the uses for which it was granted, was fully equal to answer every purpose it was intended to effect.

Royal Charter of Incorporation and new Commission.

His Grace observed, on the terms of the royal charter, the deviations from it in the new commission, issued of late years, and the apparent intention of these deviations. Those deviations, he said, bore a direct relation to the late transactions, and seem to authorise, in some measure, the various abuses complained of by Captain Baillie, being manifestly calculated to vest the whole power in the admiralty-board. The first instance which appeared was, that the charter expressedly provided that none but seafaring men, or persons bred to the sea, should hold any place or office in the hospital; that is, should be officers; and by a subsequent provision, it is provided likewise, that none but officers shall be of the council. The conclusion was therefore self-evident, that none but seamen should be of the council. Here then was one of the capital grievances complained of by Captain Baillie, that the officers of the hospital were not seamen, or sea-faring men; and of course, that the very council, who decided on his complaints and conduct as lieutenant governor, were not competent either to sit, hear, or determine on

his

his conduct and complaints. The very prime grievance, he had to complain of, as lieutenant governor, was, that landmen were introduced into offices, contrary to the spirit and letter of the charter; the personal injustice done himself, was, that the very men he complained of were constituted his judges: he did not say, that the new commission was so worded, as to justify so flagrant an innovation and abuse; but he begged leave to remind their Lordships, that what was clear, direct, and explicit in the charter, appeared ambiguous and indefinite in the new commission. His Grace pointed out several other alterations from the old charter, expressly framed for the purpose of vesting unknown and extraordinary powers in the admiralty, or rather the first lord, by which the regulatory power of the general court was abridged, and that of the first lord of the admiralty considerably strengthened and increased.

Upon Captain Baillie's Complaint.

His Grace proceeded to say that he knew nothing of Mr. Baillie, but in the manner already stated, nor of the facts, but as they might present themselves to every one of their Lordships' judgments, as well as his. If true, they well deserved the attention and interposition of that House; if false, Captain Baillie must abide the consequences. They contained very heavy charges indeed, and it behoved the accuser to support them with a suitable degree of proof. He, for his part, neither pledged himself to that House or the public, for their truth or falsehood. As a person, whose particular duty as a governor, and general obligations as a peer of the realm, he received the complaints, and presented them to that House. They might, for all he could undertake to say to the contrary, have proceeded from malice, pique, or disappointment. He assured their Lordships, that he did not prejudge either way. He had heard nothing on the part of the noble Earl, who was particularly pointed at by this enquiry, nor of the other parties accused; he therefore expected, and wished to be considered in the situation of every noble Lord present, that was waiting to hear the written and parole evidence adduced on both sides, and proceed to give a final opinion, agreeable to his judgment and conscience.

Their Lordships would, when formed into a committee, be in possession of every fact, which came within his knowledge;

ledge; for the papers, from which he had drawn his chief information, were upon the table; but as it would be presumptuous in him, to lead the House into an enquiry, which must from the nature of it demand so much of their Lordships' time and attention, without stating, at least, some of the grounds which induced him, he would, with their permission, just give the outline, or more striking parts, of the grounds of complaint, on which he founded his claim, for standing foremost in the present business.

The first he should mention, was, that of introuducing landmen, contrary to the charter, into offices in the hospital. This was stated as the great cause of abuse and dissention; abuse, as persons of that description found a separate interest in creating and perpetuating the mischiefs so much complained of; dissention, because it created two parties in the hospital, who were from their interests as well as sentiments, at perpetual enmity with each other.

He read a list of twenty-two officers, who, according to the charter, had no right to occupy any place whatever in the hospital, five of whom were of the council, and were of course, on the ground mentioned before by him, excluded from the council. This innovation had given birth to the distinction of landmen and seamen, and proved the source of endless altercation and ill-will, in the course of which, the interests of the hospital, and the ease and comfort of the pensioners, were daily sacrificed.

His Grace mentioned the case of a contractor [Mellish] who had been convicted in several penalties, for selling bull and bull-stag beef at the price of good fat ox beef. This man had been detected in other frauds, such as giving short weight, and even stealing the meat he had himself supplied. Captain Baillie brought this fellow to justice, and twenty-five penalties were recovered. Captain Baillie again complained, and convicted him upon his breach of contract, for furnishing bull-beef, and, upon the offence, recovered only one hundred pounds, the directors having compromised the affair, and let the fellow off; though, if the affair had not been thus made up, there would have been upwards of one hundred penalties, of ten pounds each, recovered. But if any thing could be more extraordinary, this man had the contract renewed with him, and is still the actual contractor who serves the hospital.

It is true, he heard that Mellish had offered the lowest terms, and that the directors were obliged to accept of them. The apology was absurd, and carried falsehood upon the very face of it. The directors of Greenwich hospital could not be

serious when they set up this defence. It was well known, that the navy board never gave a contract a second time to any man, who had failed in the performance of the preceding one; much less to one who had been convicted, and openly and legally convicted of a fraud, in a court of justice. He had heard, and believed, that a learned and noble Lord, now present in his place [Mansfield] before whom the cause was tried, and the first penalty of one hundred pounds recovered, expressed himself in terms of the warmest indignation; and wished that the defrauder might undergo the most exemplary punishment the nature of the cause would permit.

His Grace, previous to his opening on the head of frauds, read a second time the list of landmen who were officers. The surveyor, steward, secretary, chaplain, second chaplain, cook, under cook, scullion, under scullion, butler, under butler, &c. and their several assistants. He remarked, that the spirit of excluding any person, bearing the least relation to the sea, was such, that the woman who washed for the hospital, for which there was a charge of 1400l. a year, the head matron, and matrons of the several wards, were all the wives or widows of landmen; while the highest marks of favour, the seaman's wife or widow received, was that of nursing any of the pensioners who happened to be ill. Another striking alteration from the old charter was, that though it originally provided, that all the revenues, &c. of the hospital should be applied solely to the maintenance of seamen and seafaring persons, a clause was introduced into the new commission, for impowering the corporation to dispose of all the estates, revenues, incomes, &c. belonging to the hospital.

The next grievance his Grace stated was, the mode adopted of giving money in lieu of provisions. There were two lists, called the chalk-off and butler's list. All those upon the chalk list had money, in lieu of their allowance, twice a week; all those in the butler's list, every day in the week. What was the consequence? Great numbers, almost all the pensioners, were in either, by which means the officers, baker, cook, &c. gave them a trifle, and enabled them to get drunk. This was the source of endless confusion and disorder; the pensioners thus intoxicated, were liable to set the hospital on fire, were turbulent, and in such a state, it might be well presumed, were insolent and ungovernable. It proved, however, a great source of profit to the officers and civil men, and was equally disagreeable to the naval officers, who were daily witnesses to this injustice, and the mischiefs which it occasioned. This was one of the first abuses, Captain

tain Baillie endeavoured to put a stop to, and such an interference, which went to the cutting off the illicit profits arising from those lists, was fully sufficient to create in them, towards him, the most rooted enmity and implacable resentments.

The bread was another subject of complaint, and the beer was so bad at one time, that no less than four thousand gallons of it were obliged to be staved as unfit for use, and yet no notice was taken of it, nor censure incurred by the brewer.

His Grace stated likewise the abuse of turning out the seamen from several wards, to make room, or rather to enlarge the apartments of the civil officers, by which the other wards were crowded, and in one instance, the shutting up the stair-case, leading to the naval officers apartments, for the same purpose.

He mentioned several instances of the hospital revenue having been wasted in alterations and unnecessary repairs, particularly in expending 1000l. in the cleaning and refreshing the paintings in the hall, though the job was not worth more than half the money.

His Grace finally proceeded to make an application of those several charges, so far as they might be thought to affect the admiralty-board, the court of directors, &c. He said, Captain Baillie, after several fruitless attempts to rectify the abuses himself, had stated them in a pamphlet, accompanied with a letter to Lord Sandwich; that getting no satisfactory answer, he wrote a second time, and begged that a full meeting of all the governors, directors, &c. might be called, by previous notice in the London Gazette, to enquire into the truth of the facts contained in his publication. A court was called, in the usual manner, without any notice given in the Gazette; and when, at that meeting, he objected to it, on the ground that none but particular persons had notice, and them by special summons, the first lord of the admiralty, who was present, replied, that it was in his power solely to give orders for the attendance of whom he pleased; that at the court, thus constituted, the captain's complaints were referred to a committee, composed of the very persons mostly against whom his charges were made;—He attended, however, at that committee; but what was the consequence? He stood there as a culprit, to answer charges, but was not permitted to go into his proofs: nay, more, he was not permitted to go into his defence. Mr. Cust, the chairman, refused to hear him, either as an accuser, or as the person accused. It was true, he told him that he should be heard;

but Mr. Cust not attending afterwards, his promise was not performed. Mr. Barker, who succeeded Mr. Cust in the chair, even refused to promise; so that the event was exactly as might be expected: he was condemned unheard by the party accused; and, on the report being received by the general court, the court agreed to the terms of the report, by consenting to his suspension, and recommending to the first lord of the admiralty to remove him from his post in the hospital.

What was the noble Lord's conduct, after continuing him under suspension for some months? He at length dismissed him from his post, the just reward of upwards of forty years service. Here the first injury was completed; for, as he had been condemned in the first instance without an hearing, so he was dismissed contrary to law; for he had not even the favour of a mock trial. He confessed it was competent to Lord Sandwich to dismiss him for misconduct or misbehaviour—Had his Lordship any proof of either? None that he could finally proceed upon. Captain Baillie had a conditional freehold in his office, and until the person authorised to dismiss him had proper proof that he had forfeited the office, by a breach of the condition on which he held it, that of a faithful performance, it was incompetent to his Lordship either to remove or dismiss him.

The mentioning the period which took place between his suspension and final dismission, brought fully to his recollection a very strong part of the captain's case, that was a negotiation, carried on by verbal messages, which passed between him and the noble Earl. During this interim, a proposition came from his Lordship, that if Captain Baillie would consent to stop all further proceedings, and take no notice in point of the report, he would procure an equivalent of 600l. *per annum*, which was equal to the profits of his deputy-governorship. This proposal Captain Baillie, in the spirit of a gentleman, an officer, and an honest man, rejected, though, if his soul was not superior to his circumstances, it was a strong temptation, considering he had a wife and several children to maintain. The motive assigned for this offer, he understood, was to prevent the affair coming before Parliament.

His Grace then moved, that the House do form itself into a committee to take into consideration the papers relative to the management of Greenwich hospital. Before he sat down, he remarked, if the fact relative to the supposed negociation was true, that either the noble Lord at the head of the Admiralty looked upon Captain Baillie as an injured man, or had acted *extremely wrong*, in proposing to give him an equivalent, when he

he looked upon him as deserving dismission, for his misbehaviour, misconduct, and inability to discharge the functions of his office.

Earl of *Sandwich* said, he should not adhere to method or arrangement in replying to the several parts of the noble Duke's speech, for he should answer the last part of it first.

As to the negociation, which the noble Duke stated, he affirmed, upon his honour, that it was false. The motives asscribed to him were from their nature improbable—In the first place there was nothing he more desired, than that Captain Baillie should give a public answer to the report: and as to the other motive, that of keeping the affair from Parliament, his answer was that Parliament were already in possession of it, and that it was out of the power of Captain Baillie to prevent it. He further assured their Lordships that he sent no message to Captain Baillie; for the truth was, that he had received one from him. Mr. Murphy was the person who delivered him the message; he believed he could justify him; he looked upon him to be a gentleman, and was sure, when examined, he would tell the truth.——Here his Lordship was interrupted by the Lord Chancellor, who informed his Lordship this was not the time to draw conclusions from evidence not read, nor, of course, in point of debate, properly before the House.

After some declarations by the Duke of Richmond, similar to those made in his first speech, that he did not stand up as an accuser, but merely in the light of a grand juror, whose opinion being formed on *ex parte* evidence, when that evidence appeared strong, was justified in sending the matter to be fully investigated and enquired into, previous to a final determination, the House resolved itself into a committee, Lord Scarsdale in the chair.

Duke of *Richmond*. His Grace then opened the manner in which he proposed to proceed, and to arrange and select the evidence, which was bringing witnesses at once to every distinct head, and not examining any witness to what he might know of several different heads: thus, bull-beef, the proceedings of the court of directors, shoes and stockings, &c. would form each a separate head; he therefore proposed to examine as many as knew any thing of a single head to that head, and no more at a time. Should the other mode be adopted, that of examining every witness relative to every thing he knew at once, it would afterwards be impossible to arrange or select the evidence, without an infinity of trouble and confusion.

Earl of *Sandwich* opposed this mode of proceeding very strenuously; said it would be a very great hardship to have all the witnesses attend the enquiry from beginning to end, which must be the case, should the noble Duke's proposition be attended to.

This produced a short debate; but the Duke of Richmond's motion was agreed to.

Lord *Fortescue* said he should be glad to know if there were any papers respecting Captain Hood, the treasurer of Greenwich Hospital, before the House; and understanding there were not, he rose to move, that the papers relative to the instructions received under the last charter to that gentleman be laid before that House.

The House being in a committee, this proposition was objected to, and brought on a short debate on the point of order; but the committee being now very thin, it was agreed to move for the papers the next day in a full House, to which time both the Committee and the House adjourned.

March 12.

As soon as the private business was over, the committee on the Greenwich Hospital business was resumed.

The greatest part of this afternoon was taken up with reading the papers on the table; after which the Duke of *Richmond* said he was still ready to submit to the House which mode their Lordships would wish to adopt in the examination of the witnesses, that of confining the witness to a testimony on one single article at a time, and, when he had concluded his evidence, dismissing him, and calling another witness, and so on; or, when in possession of a witness, interrogating him to the whole of what he knew respecting every one of the heads of enquiry.

Lord *Ravensworth* was for the former mode, as it was more simple in its manner, and could be attended with no possible inconvenience, but that of obliging several of the witnesses to attend *de die in diem*, which was never considered as a solid objection in a court of justice.

Lord *Chancellor* thought the expedient approved of by the noble Lord was by no means a judicial one, it being perfectly unusual for a man to enter upon a defence till he understood the extent of the accusation produced against him. It might be a means too of preventing their Lordships arriving at all the information they desired; for a witness might accidentally slip an important circumstance from his recollection one moment, which he might recover the next. Now, if he was *finally dismissed* at one hearing from one particular subject, however

however often he might be interrogated on others, he could not be allowed, consistent with the plan, to suggest any of those after-remembrances, which might casually arise on that article of which he had previously spoken; whereas, if he gave a general testimony on all the articles together, he might recollect at one time what had escaped him at another; so that their Lordships would ultimately have all the information which it was in the power of the evidence to give.

Lord *Camden* differed from the noble Lord on the woolsack. He thought the witnesses would be much more likely to have all their thoughts about them, when particularly questioned on a separate subject, than when tumultuously examined on a variety. The best mode of examining in this situation, he said, was that which was the clearest, and the most expeditious. Both these ends were the best effected by method and order. Method made every thing perspicuous, and perspicuity was a material step to brevity. According to that mode of judgment, there could be no doubt but that the last expedient for examining the witnesses to one subject at a time was the best, because it had infinitely more method in it, than the promiscuous alternative recommended by the noble Lord.

Earl of *Mansfield* supported the Lord Chancellor's opinion with particular energy and weight, and was answered by the Duke of *Richmond*; after which, it being left to the choice of his Grace to pursue what order he thought proper, it was settled that one charge should be done with before another was proceeded to, and the witnesses be called again to the other subjects as they might be wanted.

The first article in his intended enquiry, he said, was this: a complaint "that a new charter had been constructed differing in many important variations from the original commission." To the proof of this circumstance he first called Capt. *Baillie*, who deposed, that he had compared the old commission and the late charter, and found that several additions had been introduced, and many essential passages altered. He believed the new charter to have been drawn by Mr. Ibbetson, the secretary to the hospital, as the principal, if not the only, agent in the business. It had never been presented to the general court after its completion, nor did he believe it had been ever revised, even by a court of directors, till after the great seal had been annexed to it.

Being cross-examined by Lord Sandwich, he acknowledged that he had heard of more persons concerned in fabricating the new charter than Mr. Ibbetson, and that the opinion and

advice of the attorney and solicitor general had been taken with respect to it.

Mr. *Ibbetson* was then called to the bar. He deposed that, so far from being the principal person concerned in the composition of the new charter, all the hand he had in it was meerly presenting it to the board. The fabrication of it was out of his jurisdiction, and came more particularly within the province of the auditor [Mr. Eden] and Mr. Everist, the solicitor to the hospital. He knew, from the minutes, that orders had been sent by the general court to order such a thing, which he understood to be perfectly within the power of that court, and in itself perfectly legal; because he had read, in the history of the transactions of the hospital, several accounts of new charters having been preferred and carried to the very verge of completion, but interrupted at the conclusion by some accidents which were not explained. After a rough draught had been made of the charter, he also understood that it had been presented to the attorney and solicitor general, for their inspection, and had their concurrence and assistance before it passed the great seal.

Mr. Ibbetson, on his cross-examination, assigned the reason, as it struck him, why it was thought necessary to frame a new charter, which was, the want of power in the old to punish frauds in the several departments, one in particular of which he remembered, where a person detected of a gross fraud escaped punishment on that very account. He did not remember whether the charter was submitted to a general court; but, after leaving the bar, he desired to be called again, when he said, a draught of the charter had been submitted to a general court in 1774; but, on cross-examination, he could not undertake to say that it was exactly the same as that which afterwards passed the great seal. Ordered to withdraw.

Mr. *Everist*, the solicitor, was next called to the bar, and, for the honour and credit of human nature, it were as well that he had staid at home. This long examination may well be confined within the following short compass—He was desired to draw up a copy of a charter, different from the old one; he did not know who desired him; he was not informed what were the alterations or deviations intended from the original one; he was directed by some person, whom he could not recollect, to search a certain room, among old papers, for a precedent, in order to assist him in the intended alterations; he did not remember what those papers contained, or whether the alterations which he made were taken or copied from them; neither Lord Sandwich nor Mr. Eden, the auditor,

auditor, nor any other person instructed him on the subject; what he did was out of his own head; he did not recollect to whom he delivered the draught of the new charter, or whether it was the same which was afterwards passed; he gave it to Mr. Eden; he could not recollect that he gave it to him; he did not remember being with it to the attorney-general; he was desired to carry it, by Mr. Eden, to the attorney-general, now a noble Lord; he did, he believed, carry it to him; he was certain he did.

Mr. Everist proceeded in this manner, saying and unsaying, recollecting and forgetting, for upwards of two hours, till at length the Duke of *Richmond* moved that the witness might withdraw. His Grace proceeded to comment on the extraordinary evidence now delivered at the bar; said such gross prevarications and palpable contradictions would not be borne in any other court of justice, not the lowest in the kingdom; and submitted to their Lordships, whether such a conduct ought to be endured, and permitted to pass unnoticed? If it was, he should expect nothing but this species of evidence throughout the course of the enquiry: it would operate as an encouragement to other witnesses to copy the conduct of Mr. Everist; whereas, if a proper notice was taken on the present occasion, it would deter, by example, and shew that that House was not to be trifled with or insulted.

Lord *Chancellor* observed, that the House had determined already to call Mr. Everist to a second examination, which it would be highly absurd to do, should they proceed, previous to that second examination, to pass a vote of censure, or seem to throw any discredit upon his former evidence. Mr. Everist was to be examined again on Monday. Here his Lordship went into a long and laboured defence of Everist's testimony, and said he thought the noble Duke had no right to impeach his testimony, unless he was prepared to state the passages which contained proofs of willing guilt, not mere errors, arising from a want of a correct and retentive memory.

Duke of *Richmond* observed, that one part of the learned Lord's laboured harangue was most clearly fallacious. The learned Lord said, that it was unfair to condemn or censure a witness, till the whole of his evidence was finished. In his opinion, Mr. Everist had already been fully heard to the point on which he was called; but if he was not, could it be decent or consistent with the dignity or gravity of that House, to continue an examination which consisted of nothing but a string of contradictions, or a refusal to answer the most plain

and

and simple questions? He should say no more; here his duty ended; and he left their Lordships to determine what appeared to them right. He had done with the witness, and that for a very obvious reason. It was not his business to dictate to their Lordships. He had suggested what struck him, and left their Lordships, as the best judges of their own dignity, to determine for themselves. He would therefore make no motion, nor point out any mode of censure.

Adjourned to the 15th.

March 15.

Order of the day to proceed further into the consideration of the management of Greenwich hospital.

The Lord Chancellor quitted the woolsack, and Lord Scarsdale took the chair at the table.

Mr. *Everist* was called. He was examined by Lord Camden, the Duke of Richmond, the Duke of Bolton, Lord Onslow, and Lord Shelburne.

The substance of his testimony was as follows: That in the year 1772, in consequence of directions from a general court, he prepared a draft of a charter for Greenwich Hospital; that he submitted the rough draft of it to Mr. Sibthorpe, at that time joint-solicitor to the hospital with him; that when Mr. Sibthorpe had corrected the first draft, he re-copied it, and presented the corrected copy to Mr. Eden, then auditor and counsel to the hospital; that Mr. Eden sent it back with several alterations; that four new copies were made, in which were inserted, the several alterations suggested by Mr. Eden; that one of these copies was laid before the general court, another before the attorney-general, a third before the solicitor-general, and a fourth before Mr. Eden; that the additional clause respecting the security to be given by the treasurer and such officers, through whose hands the monies of the hospital passed, was thought highly necessary, and therefore was introduced; but that Mr. Ibbetson was by no means concerned in drawing the charter, or suggesting any one of the alterations discoverable in it, when compared with the old commission; in fact, that no person had any hand in the draft of it but himself, his partner [Mr. Sibthorpe] and Mr. Eden; that it was finally settled and adjusted by the attorney and solicitor-general.

Mr. Everist further said, he had been in the record room of the hospital, since his examination on Friday, and had searched in vain for the papers there; for that, contrary to his own expectation, he had found they were in his own possession.

The

The next witness called was *William Eden*, Esq. auditor of Greenwich Hospital, one of the late commissioners to America.

He said, that Mr. Ellis, steward of the hospital, had failed for near four thousand pounds of the hospital's money, in 1771. That it was found a matter of great difficulty, how to proceed against him, in order to attempt a recovery of any part of that sum. That for want of a charter, it was not possible to proceed in a summary way. That various other inconveniencies pressing at the same time, the idea of a charter establishing the hospital in possession of the requisite powers, to preserve the interest which then belonged to the hospital, and to increase its future benefit, suggested itself to the general court; that their solicitor was, in consequence, instructed to prepare a draft of a charter under his [Mr. Eden's] inspection. That as a charter had been in agitation almost from the commencement of the present century, one being drawn so early as the year 1720; the records of the hospital served in some sort, to the solicitors, Messrs. Sibthorpe and Everist, as their guides. That with him, the commission no otherwise weighed as a plan to be followed, or as necessary to be essentially adopted in the charter, than as it contained a variety of clauses so well expressed, that it did not strike him that the same proper ideas could be put into stronger language, or given in a clearer stile. That though it was impossible to recollect every particular of a transaction which had originated seven years since, and relative to which he had been so suddenly and unexpectedly called upon; yet he was so far in the memory of the general conduct of it, that the alterations which were apparent between the charter and the commission were chiefly suggested by him; that he would not venture to say he suggested them all, because as the copies of the various drafts of the charter were before the committee, possibly his own hand might appear against him, but this he would say, that whether he suggested a few only of the alterations, or the whole, he held himself responsible for the entire charter. That he was not prepared to answer the question, why the words expressive, "that the money arising from the income of the hospital should not be applied to any other purpose than the benefit of the hospital" were omitted; but he did not doubt he had at the time a very good reason, and indeed at present, he could declare that the words so complained of to be omitted, meant nothing, and were altogether superfluous, as the charity without them could just as fully proceed to punish those who misapplied the revenue of it, as if those words

stood

stood in the charter. That his general idea in drawing the charter was, the taking care of the interests of the hospital, and conducing as much as possible to its future benefit.

That he conceived every one of the alterations, which had now become the objects of the consideration of the committee, tended to further that purpose. That the reason of obliging general courts to be held twice a year by the charter, whereas they were to be held quarterly by the commission, was for the sake of the conveniency of business; that at the stated periods mentioned in the commission, it frequently happened that the commissioners were many of them out of town, and the admiralty-board engaged on other important business; the consequence was, that frequently nine months had elapsed before a court was held, which in many cases, such as the death of a captain, or other material officer of the hospital, was a matter of great and real inconvenience; whereas, agreeable to the charter, the general courts must be held twice in the course of one year, and might be held as often as occasion required, and as the avocations of the admiralty-board would allow; an alteration much for the dispatch of business. That the alteration which gave to the admiralty the power of appointing to offices in the hospital, was not a violation of the commission, the general courts (as he understood the clause in the commission) having only a power to recommend, and the commissioners of the admiralty-board the sole right of deciding and appointing to the vacant place; a right much more proper to be vested in them, who must be the most competent judges of nautical merit and recommendation, at least, more competent judges than gentlemen, however respectable, who had only acted in civil capacities. That the transferring the power of misplacing or suspending officers proved to have misbehaved themselves, from the general court to the admiralty-board, was for the benefit of the hospital; and that he could not say whether he omitted the words "and otherwise," respecting which so much had been argued; he believed, however, they were not in the original draft of the charter as submitted to his inspection.

Mr. Eden also spoke to a variety of particulars. In answer to a question or two from Lord Shelburne, calling upon him to say, "whether he undertook to declare, that he had at his single risque, and by his sole judgment, given Greenwich Hospital a new institution?" and, "whether he had the advice or assistance of any of the king's ministers, in preparing the charter?" he declared, he had never consulted *one of the latter*, respecting the charter; but said, that he *would not agree*, that the charter gave the hospital a new institution;

stitution; that he meant no more when he settled it, and he was convinced it extended no further, than to comprehend every material part of the commission, and to give such additional powers, as the altered state of the establishment of the hospital rendered necessary; repeating the three principal reasons for applying for a charter, viz. the necessity of having security for the hospital money in fluctuation, and not specifically applied, though in different hands, for the purpose of disbursement; the necessity of having a power to institute and pursue any suits which might be thought adviseable to be instituted; and the necessity of rendering the education, &c. of the boys, sons of the seamen, &c. a part of the hospital establishment. Mr. Eden concluded with declaring, that if there were any crime imputable to those who drew and settled the charter, he was exceedingly willing to share it with the present Lord chancellor, and the present attorney general, for to them and himself was the crime imputable.

Mr *Sibthorpe* was also examined, and declared, that in the beginning of the year 1772, he was joint solicitor to Greenwich Hospital, with the present Mr. Everist; that the reason of preparing a draft of a charter, was Mr. Ellis's defection, and the difficulty of proceeding against him, in order to recover the hospital money; Mr. Sibthorpe succinctly stated the whole process of the business of the present charter, proving what alterations were his making, and what were the suggestions of Mr. Eden, and assigning the reasons which actuated each. He asserted that he had no idea that the charter would ever be deemed an injury to Greenwich Hospital; and said, that when he had got it through its several stages, and it had passed the great seal, he thought he had done the most glorious act he had ever atchieved in his life.

The next witness called was Mr. *Ibbetson*. He declared that the general mode of summoning general courts, was by advertisement in the Gazette; but that on a particular occasion, special summons were sent round to every commissioner, excepting only the princes of the blood; he instanced the case of electing Mr. Seaton into the office of steward, when a brother of Admiral Roddam, and Mr. Maddison, were candidates. On that occasion, application had been made to him by several noble Lords, to know the day when the election came on, as they meant to attend; in consequence of such intimation, he had, he said, thought it his duty to send round special notices; and if there were any blame or fault in the measure, he was ready to acknowledge himself guilty of it, for he had himself altered the mode of

summoning

summoning, with the hope of pleasing the whole commission; it was, however, he declared, the only instance within his knowledge of the kind. With regard to the general courts, recommending persons who were candidates for offices in the hospital, he had been seventeen years in office at Greenwich Hospital, and he had belonged to the admiralty twenty-four years, in all which time, he had not remembered one application, though he had seen several in the books.

He was directed to attend another day, with the books containing the minutes of such recommendations.

This point of the enquiry being so far finished, the Duke of Richmond said, he should for the present forbear any remark, but should proceed to investigate another article, that was—The employment of landmen in the various offices of Greenwich Hospital.

Mr. *Maule*, clerk of the checque, was called, and the paper, containing a list of the several officers of the hospital now living, as well as of their predecessors, with a description who had been to sea, and who had not [which had in consequence of an order of the House been presented] was produced, and exhibited to him. Mr. Maule acknowledged he had drawn up the paper, and was examined to its contents.

The Duke of Richmond went regularly through all the names, interrogating the witness who had and who had not been at sea? It appeared, that the two present chaplains, the auditor, the clerk of the works, the secretary, the master brewer, the treasurer's clerks, the clerk the checque's clerks, some of the cook's-mates, some of the scullerymen's mates, the butler's mates, and several other of their present officers, had not been at sea! But it likewise appeared, that some persons who had acted in the same capacities, in former times, had likewise not been sea-faring people.

As the Duke of Richmond made it a point to ask who were the predecessors in office of the present holders, and whether they had or had not been at sea, Lord Fortescue begged his Grace to forego that method, and confine himself to the single question of, whether the present enjoyers of the offices in Greenwich Hospital had been at sea? declaring that an abuse of the design of the hospital was not less an abuse in itself, because the same had been practised before.

March 16.

Petition against the sewers bill, praying that the provisions of the said bill might not be extended to the county of Norfolk.

Went

Went into a committee on the same, and a motion being made in the committee, to prevent the operations of the said bill from being extended to the manner set forth in said petition, it produced a debate, when, about eight o'clock, the question being put, the committee divided, Contents, 8; Non-contents, 8; by which the clause was lost; the mover not having a majority. The principal speakers for the clause, were the Bishop of Norwich, and Lords Shelburne, Camden, Townshend, and Radnor; against it, Lords Bathurst, Dudley, and one or two others. Lord Townshend would not vote, because he had not been present when the council were heard at the bar. The bill went through the committee, and was ordered to be reported.

The House adjourned to the next day.

March 17.

Greenwich Hospital enquiry resumed.

Mr. *Ibbetson* called to speak to a particular fact, relative to part of his evidence on the 12th instant.

He said, he never understood, that the alteration of the charter was not made with any intention of divesting the general court of the right of recommending fit persons to fill up such vacancies, as might from time to time happen in the civil officers in the hospital. He understood, if any such usage ever existed, it had ceased long before the present noble Lord came to preside in the admiralty department; indeed, as far as his researches went, from the first foundation of the charity, when Prince George of Denmark was lord high admiral; and in a variety of other instances, recommendations do here and there appear in the books, but the last instance was made so far back as the year 1720; nor when they were made, were they always attended to. As to the matter to which he was particularly called, that of knowing from him, whether he read all the alterations proposed to be made in the general court, convened in 1774; or whether they were the same that were afterwards adopted; he believed, he said, that they were the same; and he was certain, that he read all the intended alterations in the general court, and not a part of them.

Mr. *Maule*, clerk of the cheque, was again called in, and went into a long narrative, relative to the receipts, disbursements, &c. of the Derwentwater estate. Said, both were unequal; sometimes the gross produce was twenty-eight or thirty thousand *per annum*; sometimes considerably under that, so low as 18,000l. great part of the income arising from the

the produce of mines; but on an average of the nett produce, he presumed, it might be about 22,000l. *per annum.*

He was questioned particularly, by several noble Lords, the friends of the enquiry, as to the description of the persons who filled the offices, as far as he knew, of which the following were the most remarkable.

The present steward of the Derwentwater estate had, he said, been mayor of Huntingdon. Mr. Scott was rector of Simonburne, a living, he understood, worth upwards of 800l. *per annum*, and so of several others, such as the surveyor, clerk of the works, belonging to the hospital, &c. Several questions were put to him, whether he did not think the steward and rector alluded to, with another on that estate, &c. might not, with equal propriety, be filled with navy chaplains, admiral's secretaries, captain's stewards, clerks, ship-stewards, pursers, &c. as by landmen? He replied, some of them might; but a steward and a surveyor of the estates ought to be a person conversant in that business, or the revenue might suffer greatly in unskilful hands.

Captain *Baillie* was then called to the bar, and examined relative to bull-beef; the conviction of the contractor at two several times; the compounding of the penalties by the directors; and after all, the renewal of the contract again with the same man. His examination continued for upwards of two hours, and consisted of the several facts relative to that transaction laid down in his printed book, and likewise the rule moved in the Court of King's Bench since.

Mr. *Ibbetson*, the secretary, to this point, said, no person had made any tenders but Mr Mellish, unless much about the time of the convictions, when two tenders were made; one at thirty-four, and another somewhat lower, but Mr. Mellish's was the lowest. Asked, if they were not all Mellish's offers? He could not say. He did not know; the person's Christian names were different; one was Charles, and the other Peter. He did not know how the tender could be refused. The advertisements in the public papers were all of the same tenor; they were for the lowest offer, and must, according to his opinion, be accepted of till some other mode is devised of making those contracts.

Captain *Holroyd* and Lieutenants *Smyth* and *Carol* were examined, relative to frequent complaints made by the surgeons and patients, relating to the veal served in the infirmary, and of part of it being frequently so bad, as to be thrown away, or sent back, which they severally confirmed.

The

The steward was examined, on the last head. He acknowledged, that there had been frequent complaints, but if they had been urged in time, and proper means taken, redress might have been procured, without pushing matters to extremity.

Mr. *Marsh*, a commissioner of the navy, and one of the court of directors, was examined relative to the renewal of the contract; said, he thought it was better to renew it with Mr. Mellish, than accept of tenders from any person, at an higher price: he refused to assign any other reasons. On cross examination, he said, that Mr. Mellish was the contractor for the victualling-board: that he had heard of complaints, while at the board; but that it was impossible to fulfil the terms of it so exactly, in the course of so great and extensive a transaction, but that some parts of the provisions might not be equally good. This gentleman acted in a double capacity, that of a witness, and an able defender of Mr. Mellish, in whom he could see no fault.

A variety of altercations and short debates arose, in the course of this day, but nothing worth recording. The House and committee adjourned to the next day.

March 18.

Greenwich Hospital enquiry resumed.

Captain *Bailli.*, after being examined, to a variety of other matters, gave an account of the butler's and chalk-off lists, which he proved most clearly to be highly destructive of the health and morals of the pensioners, as they afforded them the means of getting drunk, and of foregoing that species of nourishment, no necessary to their state of age and infirmity. He pointed out several disagreeable consequences, as it paved a road to fraud and imposition, and was the source of perpetual disorder among the men.

Mr. *Ball*, the steward's clerk, read several minutes of the council, stating the evils which arose from this kind of composition, and the constant complaints to which it gave birth.

Mr. *Ibbetson*, was called to this point, and controverted the charge in all its parts; the chalk-off list was stated by Mr. Ball, the steward of the hospital in 1761, as a plan, for which he assumed great merit. He was an useful and intelligent man, had been steward forty-four years, and had, during that period, devised several schemes, which, when carried into execution, proved very beneficial to the hospital, particularly that of the hospital brewing their own beer, by which a saving of 5781. had been made in the year 1760. He likewise projected the alteration in the mode of lighting the hospital;

by which an annual saving of near 200l. was effected, and a saving in the cloathing of 350l. with several other matters of inferior importance, but all proportionally beneficial. Those several savings amounting to upwards of 1100l. yearly, were applied to the support, education, and cloathing of the charity boys, sons of seamen.

Mr. *Saward*, the butler, was examined next, and stated several reasons in favour of the butler's and chalk-off lists; his chief were, that even now not more than one half of the pensioners could sit down to dinner at once, and that those who had not room, or did not chuse to dine in the hall, were better paid, by the allowance in either list, than they could by disposing of their portions without the gates.

Mr. *Ibbetson* was called to the apropriation of the charity fund. He acknowledged that several of the civil officers had additional salaries out of that fund, on account of the additional trouble they had in conducting it. Among others, the chaplains, steward, clerk of the checque and his clerks, the organist, and himself.

Captain *Baillie* was examined, and said, the officers planned the fund, because they profited by it; that the fund, both in the manner it was created and its mode of application, was highly disgusting to every military man in the hospital; nor, after being forty years in the service, could he see how it made any part of a seaman's necessary education to be instructed to sing and be taught music, by a master expressly hired and paid for the purpose.

Lord *Fortescue* drily asked the captain, if he could inform the committee, whether he ever heard that the boys only sing psalms and hymns, or if they were not sometimes instructed in singing catches and glees? To which no direct answer was returned.

Lord *Camden* asked Mr. Ibbetson, who was again called to the bar, whether he did not think the charity fund formed part of the establishment of the hospital?—Mr. Ibbetson replied, certainly, since the passing of the new charter; on which his Lordship observed, it was a saving out of the original revenue, and no new fund, which could be properly applied to any other uses but those prescribed by the original establishment, the providing for disabled seamen.

Captain *Baillie* deposed, that the charity boys were not all composed of the sons of disabled seamen, even according to the professed design of it. He remembered many deviations; one in particular came fresh to his recollection, that of a captain of a yacht in commission, who had two sons admitted.

He

He next called for the minutes of the council before which the surgeon was heard, on the badness and unwholesomeness of the veal served to the sick in the infirmary. The minute was read, and stated the fact of the surgeon's declaring the veal to be in a putrid state; on which the butcher was sent for to attend the council; but though the butcher took no notice of it, his man was permitted, by the connivance of some persons, to fetch away the veal. The council reported the whole transaction to the directors, and the affair dropped for that time. The same butcher was, however, continued, and no further satisfaction given, but an insolent answer to the council, reflecting on the conduct of the lieutenant-governor.

The shoes and stockings formed the next subject of enquiry. It was proved that the shoes were very bad, and the stockings equally so, and very short. A minute of council, in which this complaint was stated and proved, was read, by which it appeared that the complaint was well founded.

The bad beer was next enquired into. It was proved that no less than 4000 gallons were started in one day; that it was often so sour and bad, that almost continual complaints were preferred against the brewer; nevertheless, the brewer was continued. One of the witnesses said, a person had been detected in putting water into the beer; but no attempt was made to prove that the beer started had water clandestinely put into it, or any possibility urged, that the person so detected could have put water into the part of the beer to which he could have no customary access; though it was evident the complaint was general, and not particular.

March 19.

No debate. Adjourned to the 22d.

March 22.

Enquiry into the management of Greenwich Hospital deferred till the 24th. House ordered to be summoned.

Took the petition of the honourable Hamilton Fleming, commonly called Lord Fleming, relative to a claim to the titles of Earl of Wigtoun, Lord Fleming, &c. A committee of privileges was immediately appointed, and ordered to take the said claim of peerage into consideration on Monday the 12th of April.

March 23.

Judicial and private business.

No debate.

March 24.

Earl of *Bristol*, after stating the cause of his absence from Parliament, and returning his thanks to the Duke of Richmond for standing in his place, respecting the enquiry now before the House, proceeded to give his reasons for a motion he intended to make on the 16th of April next, respecting the conduct of the first Lord of the admiralty. His Lordship was so weak, that while he spoke he was obliged to support himself on his crutches.

He begged leave to call to the recollection of the House some things which has passed in his absence, and circumstances which led to them. He knew it was disorderly to refer to what passed in a former debate, but as a similar freedom had been taken with him, when a severe indisposition, the effects of which he still very sensibly felt, prevented his attendance, he trusted to their Lordships candour and indulgence, for permission to justify himself against a very high accusation made against him in his absence, by a noble earl over the way [Sandwich.]

On the first day of the session, speaking in reference to the affair of the 27th of July, he said, an enquiry ought to be set on foot relative to the transactions of that day. In answer to which, the noble Earl at the head of the admiralty observed, that a general, not a partial enquiry, ought and would be instituted. In the course of that conversation, speaking of a letter which appeared in the morning papers signed "Hugh Palliser," he lamented that circumstance, as it would probably be the means of disgusting the admiral, and driving him from the service. He added, that it had already one effect, which was a resolution taken by Mr. Keppel never again to go to sea with Sir Hugh Palliser, with which the noble Earl was thoroughly acquainted, having received an assurance to that purport from the hon. admiral himself. The noble Earl, he observed, acknowledged the fact; said he was certain that both the admiral and vice-admiral had done their duty like able and gallant officers, and that such being the case, he did not see any necessity there was for an enquiry; for though the affair of the 27th of July was not a complete and decisive victory, it produced the effects which might be expected from a victory; it compelled the enemy to return into port, and of course to abandon the protection of their trade and commerce.

This was the true state of the case; and he appealed to the recollection of such noble Lords as were now and then present, if the noble Earl did not say, that there was no occasion for an enquiry, but that general, and not partial enquiries,

ries, would take place; notwithstanding which now, at almost the close of the month of March, not a single step had been taken in consequence of the noble Earl's assurances.

So matters stood when he was no longer able to perform his duty in that House, which led him now to explain the proper subject for which he rose. Two interpretations had been put on his conduct. It had been industriously circulated without doors, and in conversation, that his mentioning the resolution of the hon. admiral was a breach of private confidence, which was a communication by no means intended for the public; and by the noble Earl in debate, as he was informed, that the court-martial upon Admiral Keppel would never have taken place, were it not for the public communication which had been made by him of what passed between Mr. Keppel and Lord Sandwich, of the resolution taken by the former never to sail again with Sir Hugh Palliser. He should give an answer to both; and first as to the supposed breach of private confidence. Here his Lordship took a paper out of his pocket, containing a minute of what passed between him and Admiral Keppel. The admiral, he said, waited upon him, and informed him, he had told Lord Sandwich that he would never again sail with the vice-admiral of the blue; and begged that he would communicate that intention to the House in debate. On this request, he desired permission to take a note of what the admiral wished he should say, in order to avoid any misapprehension or mistake; that was the note which he now held in his hand. He shewed it afterwards to a noble Duke near him [Richmond] and consulted him on the propriety of the communication desired, of which the noble Duke approved. So far he imagined he was fully exculpated of any charge of a breach of private confidence. To the other charge, that of this communication being the cause of the subsequent court martial, he begged leave to say, that there was not a colour of truth to support it; Lord Sandwich having declared, at the very instant, that no partial enquiry was necessary; but that a general enquiry ought to, and would take place. He quoted a precedent which, if copied, he said, would have fully answered every end of the attainment of public justice; that was in the case of the disaster which befell Lord Torrington, in the affair off Beechy-head, in Sussex, in the year 1690. On that occasion, the admiralty addressed the queen regent [William's Queen Mary] to give orders for an enquiry, which she complied with. The consequence was, that a general enquiry took place at Sheerness,

and the admirals and captains were sworn to the truth of the depositions which were taken relative to the engagement.

His Lordship observed what a striking contrast there was between the admiralty-board of that and the present day, when even a delay of a few hours was thought not necessary; but the very day that the charge was exhibited, the party accused had peremptory orders to prepare for his trial.

His Lordship affirmed, that the conduct of the first Lord of the admiralty was highly criminal, and called aloud for the censure of that House, and the indignation of the people. There was, however, one consolation to be drawn from it, that the noble Earl's endeavours to blast the hon. admiral's character, to rob him of his reputation, and put him to the hazard of his life, had been fortunately defeated. It had produced one happy effect; it had united the navy officers almost to a man, and served effectually to convince the noble Earl at the head of the admiralty that no promises could allure, nor threats prevent them from a performance of their duty, and a preservation of their honour. Experience had now convinced his Lordship what was the real disposition of the navy in general, and how very inefficacious those Machiavelian arts (which his Lordship had so successfully employed on other occasions) were, when their object was to create an improper and corrupt influence among the British seamen. Being called to order, he insisted on his former expression, the arts employed by the first Lord of the admiralty were Machiavelian arts, which he would undertake to prove at the proper time. His intended motions were taken up with that view, and he meant to direct them solely to the criminal conviction of the first Lord of the admiralty; he therefore gave this early notice, that the House might be prepared, as well as the noble Earl, on the 16th of April, on which day he moved that the Lords might be summoned, when he said, he would enter fully into the proof and investigation of the facts, which induced him to institute the enquiry. At present he would forbear to go into the detail, that, in his opinion, rendered such an enquiry necessary.

Before he sat down, he could not help observing that as he had been basely traduced in his absence, he had been amply repaid by the consequences; for while it afforded him the opportunity of exculpating himself, it furnished another additional proof of the base and disgraceful arts of his traducers.

Earl of *Sandwich* denied he had ever said that what had fallen from the noble Earl, who spoke last, on the first day of *the session*, was the occasion of the court-martial: but if he had

had said so, he would have been fully justified; for he had every reason to believe, that no enquiry into Admiral Keppel's conduct, on the 27th of July, would have ever taken place, but for expressions such as that alluded to having been made in both Houses; and his reason for believing so was, that he had earnestly endeavoured to stop the enquiry, and was in great expectation of accommodating every thing relative to the transactions of the 27th of July, till those inflammatory expressions had made their way to the public, because he foresaw that a court-martial would thereby become unavoidable.

He retorted the words, Machiavelian arts, upon the noble Earl, and the noble Lords who voted with him; and observed, that they had endeavoured to prepossess the public with the false idea that he had urged the enquiry; whereas nothing could be more repugnant to truth and justice. He foresaw, from the beginning, that the enquiry would terminate as it did; and, if he had been the admiral's warmest friend and admirer, he could not have more effectually served him than by promoting an enquiry into his conduct. With regard to all those violent expressions, so liberally used by the noble Lord, respecting his conduct relative to the trial, he would not take up the time or attention of the House, then, upon the subject. He was nevertheless convinced, that if the words alluded to, and which the noble Earl had acknowledged, were the effect of pre-concert and deliberation, had not been made use of, no trial would have ever taken place.

In answer to the instance of an enquiry being previously instituted by the Queen's directions, into the conduct of Lord Torrington, in the engagement with Monsieur Tourville off Beachy, in the year 1690; the reason why the precedent was not followed, was because it was illegal. An opinion of the first law authority then alive [supposed to mean the late Lord Hardwicke] he could not then recollect whether in the case of Matthews and Lestock, or the more recent one of Byng, but he believed the former, clearly and expressly stating, that it was not legal to admit of depositions upon oath, as the noble Lord had mentioned, no such evidence being admissible according to the course of the common law. In consequence of this very respectable opinion, all previous enquiry preparatory to trial was abandoned, and surely, after so respectable an authority, the noble Lord would not impute it as a fault to the admiralty-board that they had forborne to act illegally.

The Duke of *Richmond* observed, the noble Earl had acknowledged that he tried every effort, that he had endea-

voured all in his power to prevent the enquiry. Now he begged to know how that expression accorded with the assurance of the vice-admiral in the other House, upon his honour, that he never communicated his intentions to any man of preferring a charge against his commander in chief, till he delivered the accusation in at the admiralty board.

His Grace added, that the acknowledgment now made, militated as well against the frequent assertions of the noble Lord himself, as against those of Sir Hugh Palliser in the other House; his Lordship, as a member of the admiralty-board, having so frequently affirmed, that he knew nothing of either the charge nor the intentions of the vice-admiral of the blue, till laid before him in his official capacity.

Earl of *Sandwich* rose in a passion; and complained that his words were watched by noble Lords on the other side of the House, and misrepresented; that it was indecent and unparliamentary to do so; that he did not say he had endeavoured, but that he wished to prevent the court-martial. He affirmed, that he was an honest man; that he would not submit, nor be intimidated by any man; and he begged that his words might be taken as he now explained them: and he could again repeat, that he wished it most heartily. He insisted if he was Mr. Keppel's bitterest enemy, he could not more compleatly have shewn his enmity, than by stopping an enquiry into his conduct. He complained much of having such advantages taken of him in the hurry of debate. He declared, that he was himself above taking such advantages. He was afraid of no man living. His intentions were upright, his heart was honest, and he had no dread that they would not bear him out against every attack, which might be made upon him, by his enemies. If any man had a right to complain of ill-founded aspersions more than another, surely he was that man.

The Duke of *Richmond* said, he was ready to accept of the explanation now given; but he still appealed to the candour and recollection of the House, whether the words, according to their obvious import, did not amount to the construction he had put upon them. The noble Earl said, that he had endeavoured, and was in expectation, that a stop would be put to the enquiry: if that did not suppose a previous communication, by some mode or other, on one side, and counsel or advice on the other, he did not know the English language.

Earl of *Bristol* then gave his sentiments respecting Greenwich Hospital. He observed, that the institution was designed for the most noble, generous, and beneficial purposes. He re-

reminded their Lordships, that they were the public guardians; that it was their duty, as it ought to be their pride, to protect the lower orders of the people from oppression and injustice; and if any additional motives were wanting to quicken their Lordships' attention, the circumstance that the frauds and abuses, the various scenes of knavery and extortion, of oppression and rapine, were exercised upon so valuable a set of men as the British seamen, was fully sufficient to rouse their Lordships to enquire into the injuries inflicted upon the old, the diseased, and the crippled. These considerations would, he trusted, urge them to probe this infamous affair to the bottom; and, wherever punishment should appear to be due, to inflict it with a wholesome severity, as an act of justice for past crimes, and in order that the same might deter, on the principle of example, in time to come. He hoped that noble foundation, the public home of the veteran, who had so frequently fought and bled in defence of his country, would no longer be suffered to be employed in the corrupt purposes of borough-jobbing, or of securing an influence incompatible with the noble Lord's character in the state. His Lordship was called to order by

Earl *Gower*, who observed, that the noble Lord had acknowledged, that his state of health did not permit him to attend the enquiry into the management of Greenwich Hospital; notwithstanding which, the noble Earl was not only giving a general opinion of the supposed misconduct of those entrusted with the management of the hospital, but was actually passing a direct censure upon the first Lord of the admiralty.

Earl of *Bristol* defended his conduct, by saying, that he was giving no opinion on the probable effect of the evidence on the table, but merely from his own knowledge, derived from an experience of five years in which he sat at the admiralty board.

Lord *Fortescue* enlarged upon the subject of borough-jobbing; said, he had been for twenty-eight years steady in his principles; that he would never change; and begged leave to give his sentiments of the present administration, by repeating a passage, extremely applicable to them, from the tragedy of Cato:

"When vice prevails, and impious men bear sway,
The post of honour is a private station."

The

The House resolved itself into a committee on the enquiry into the management of Greenwich Hospital. The Duke of Richmond stated a complaint of breach of privilege committed by Captain Maplesden, lieutenant-governor of Greenwich Hospital. The complaint was, that Captain Maplesden had gone out of that House, and endeavoured to disperse, and threatened to punish, several of the witnesses, who had been served with subpœnas, and sworn at the bar, to give evidence respecting the management of Greenwich Hospital, if they did not immediately go home to the hospital; the consequence of which was, that some of the pensioners, who refused to comply, had been punished by the captain and the other officers of the hospital.

Earl of *Sandwich* observed, that the noble Duke had shifted his ground; that he had deserted the enquiry as originally moved, and had introduced fresh matter.

The Lord *Chancellor* entered into the particulars of the conduct of the pensioners on Wednesday; defended Captain Maplesden, in endeavouring to disperse them; and represented their Lordships as besieged by an unlawful assembly of riotous persons collected at the doors, and stopping up the avenues leading to the House, merely for the purpose of influencing their Lordships in their inquisitorial and judicial capacity. He observed, that this mob had cheered some of their Lordships, and had insolently demanded that their former lieutenant governor [Baillie] should be reinstated in his post in the hospital.

Lord *Bathurst* spoke nearly to the same effect, and gave the House to understand, that the enquiry was become a direct personal attack upon the first Lord of the admiralty, and not, as it was avowed, a measure of reformation, directed to certain specific abuses, the author of whom it was not meant to point out.

Lord *Camden* stated the transaction in detail, so far as it related to the behaviour of the pensioners on Wednesday: said, it was the birth-right of Englishmen to assemble and express their complaints and wishes, so long as they comported themselves agreeable to the laws: it was a constitutional privilege, which no power on earth had a right to abridge or take away, and which nothing but an improper or illegal use of, could make the parties answerable at any tribunal, civil or military.

Earl of *Shelburne* was animated on the occasion; and after shewing, that persons interested in any matter depending before either House of Parliament, had a right to come down, in

in a peaceable manner, to represent their wishes, contended that the case, opened by the noble Duke, fully justified the complaint; because, if the pensioners had misbehaved, the House alone were the proper guardians of their own dignity and authority; and it was every way fair in argument and conclusion to say, that the pensioners had not misbehaved; for if they had, some Lord, or officer belonging to the House, would have informed the House of the improper behaviour of the pensioners. He answered very fully to what had fallen from the Lord Chancellor, and Lords Bathurst and Sandwich, respecting the ground of the enquiry being shifted and turned into a personal accusation. Said the fact was notoriously otherwise; the noble Duke had disclaimed any such idea; and it was of course extremely indecent and unparliamentary to throw out any such insinuation. No Lord, on that side of the House, entertained a single idea of the kind. It could hardly be conceived, that the noble Earl, at the head of the admiralty, would be so base and mean to share in the spoils of old men, women, and children. He hoped his Lordship was above committing such acts of petty larceny; or of sharing in the frauds of the bull-beef, and the sour beer contracts, or the difference of the value between shoes and stockings, &c.

He, for his part, anxiously waited for the event; he fixed no idea of criminality whatever to the conduct of any person, much less to that of the noble Lord; nor did he believe that any such idea prevailed. He therefore hoped, and warmly recommended that such noble Lords as had attempted to fix such an imputation on the noble Duke, would acknowledge the injustice of it, and acquit his Grace of standing pledged to that House as a personal accuser of Lord Sandwich.

Here the debate became general for a considerable time; the Dukes of Grafton and Manchester, and Lords Fortescue, Camden and Effingham, contending on one side, that the noble Duke alluded to, did not stand before their Lordships in the light of a personal accuser, and the Lord Chancellor, the Lords Chesterfield, Onslow, and Gower, insisting that his Grace did.

After the Duke of Richmond's opening speech, the first day of the enquiry, and an expression of his on a former occasion, when he moved for papers, had been canvassed for upwards of two hours, and that his Grace had explained himself, as to his words and meaning, a new ground was taken by the court Lords, that the Duke of Richmond stood in the place of the Earl of Bristol, when he moved for the papers

some

some days since; and that Lord Bristol having made a personal attack upon Lord Sandwich, his Grace stood equally pledged to support the accusation of the Lord Bristol, as if he stood forth the accuser in his own person. After another hour's fruitless altercation, the noble Lords declared severally, that they would abide by what they had said, and refused to recant.

Earl *Gower*, the Lord *Chancellor*, and several others, said, that the introduction of a new matter before the committee was deserting the object of the enquiry as originally instituted, and that the complaint of a breach of privilege could not be referred.

The Duke of *Richmond*, supported by Lord Camden, contended, that a complaint of a breach of privilege must precede all other matters; that the complaint was not referred to the committee, and consequently not being before it, could not be decided upon. His Grace therefore moved, that Lord Scarsdale leave the chair, and that the House be resumed.

This produced another warm debate, in the course of which Lord *Bathurst* said, that upon a complaint of a breach of privilege, the House must be resumed, he doubted, and all other matter must be suspended. He could not help observing, however, that thus putting a stop to the committee, had every appearance of designed procrastination and delay.

Earl of *Sandwich* entreated, that the noble Lords would give up the point; for that he wished the breach of privilege to be immediately enquired into.

The House was then resumed, and one Smith was called to the bar. The first question put to the witness by the Duke of Richmond, after enquiring his name and former station in the hospital, was, "whether Captain Maplesden had not threatened him with his cane, or held it over his head?" The Lord Chancellor put the question in the following manner; "What did Captain Maplesden do?"

The Duke immediately complained of the woolsack altering the question. This produced a debate.

The Duke of *Grafton* said, though it was in the power of the crown to place whoever it pleased on that woolsack, or to crowd the benches of that House with lawyers and pleaders, he trusted the ancient spirit of the British peerage was not so far become extinct, as to permit their rights to be extinguished and cavilled away, and their dignity insulted by the hardy confidence of any man.

The Lord *Chancellor* said, such a language would not be permitted over a table among gentlemen.

The

The Duke of Grafton replied; the Chancellor rejoined; and Lord *Mansfield* contended, that it had been the constant practice of both Houses, for the respective chairmen, if improper questions were put, to alter them. The noble Duke's question was an improper one, because it tended to lead the witness, and the alteration by the woolsack was, in his opinion, perfectly justifiable upon the authority of usage. Notwithstanding, that the Duke had the three law lords alternately on his back, for upwards of five hours, he carried not by numbers, but by clear argument, every controverted point against them; particularly, that the House must be resumed, and that the woolsack had no right to alter his question, which he was incompetent to, without taking the sense of the House, whether the question should be put to the witness in the terms it was offered to him as speaker.

Another debate ensued, and the Duke of *Richmond* having moved, "that the Chancellor had no right to alter a question put to a witness by any noble Lord in his place," the Chancellor, of his own accord, acknowledged he had not; and having satisfied the noble Duke by his explanation, his Grace withdrew his motion.

Smith was then called to the bar, as were likewise two women. They all three had orders from the House to attend. When Maplesden desired them to disperse, they informed him they had the order of attendance served upon them then in their possession. Smith offered to shew his: the consequence of Maplesden's threats availed nothing; they stayed till desired to disperse by the Duke of Bolton. The next day Maplesden convened them at his own house, and acquainted the council, who finally determined that Smith should be broke from being a boatswain, that one of the women should be suspended for three months, and the other mulcted twenty shillings, and Smith fined likewise, and his allowance reduced to one shilling per week.

Maplesden was defended by several noble Lords, on the ground, that the refusal amounted to actual disobedience.

How far the punishment of witnesses, which the House were in legal and authoritative possession of, pending the enquiry, was justifiable, more particularly of the two women, must be left to the opinion of better judges than the writer of this narrative. One thing is certain, whether Capt. Maplesden acted right or wrong, it wore a very unseemly appearance, allowing that the women had deserved punishment, for the captain to interfere with any thing whatever which belonged

belonged for the present to the judicature, and solely to the judicature of the House of Lords.

As soon as the last witness withdrew, it being nine o'clock, the Duke of *Richmond* moved, that the House be resumed, which being complied with, his Grace moved, that Capt. Maplesden be ordered to attend the House the next day. Here another warm debate ensued.

The Lord *Chancellor* contended, that Captain Maplesden's conduct was evidently designed to preserve order, to prevent riots, and not to obstruct public justice. The folly of such an attempt, shewed the total improbability that he had any such design. The idea was absurd. If Capt. Mapleden saw any thing riotous or disorderly, he had a right to endeavour to put a stop to it as an act of duty; if the persons now examined at the bar were summoned, there might be others that were not; neither were those summoned, summoned to raise tumults and foment disturbances, but to give evidence. Their business was not out of that House, but in it; there to wait the pleasure of the House; his Lordship therefore thought, that the captain was legally authorised to do what he did; and to act as lieutenant-governor according to his discretion and the usual course of proceeding within the hospital.

Lords Mansfield, Camden, Montford, and Dudley spoke in the above debate, and the question being put, the House divided on the Duke of Richmond's motion; Contents 20; Non-contents 55.

March 25.

Duke of *Richmond* having opened the object of his intended motion, which was to know what charge, if any, had been exhibited against Sir Hugh Palliser, and the nature and extent of the evidence meant to be adduced in support of it, moved, "That copies of all proceedings relative to the intended court-martial upon Vice-Admiral Sir Hugh Palliser, be laid before that House."

He said, he wished to be informed of the nature of the charge, and who was the real or nominal prosecutor; both facts were necessary to be known. He read, as part of his speech, a copy of a letter wrote by the admiralty-board to Sir Hugh Palliser to prepare for his trial, and commented on the following passage in it, "which regarded the action with the French fleet," instead of adding the words "the 27th of July last."

Such

Such an omission bore a very suspicious appearance, and seemed calculated to answer some concealed purpose, contrary to justice; though this mock trial, he made no doubt, would be conducted according to the unsubstantial forms of the usual mode of proceeding in such cases. If the vice-admiral was guilty of any crime, it was not committed during the action, but after it; why therefore hold out to the public a mock enquiry and an ineffective tribunal, concerning a part of the vice-admiral's conduct, which even those who were most disposed to call it in question, never conceived any sort of unfavourable opinion of. The vice-admiral, while he fought, was confessed, by the united voice of his brother officers, to have fought gallantly; the only censure thrown upon him was, that by disobeying the orders of his superior officer, he was the cause of the French fleet not being re-attacked. The limitation in the passage alluded to in the official letter, gave just cause of suspicion; as such it struck him, and that was the motive which induced him to make the present motion.

Earl of *Sandwich* replied, that no specific charge had as yet been drawn up or exhibited; but that the judge advocate had received directions from the admiralty-board, to collect a charge from the minutes of the trial held on the conduct of Admiral Keppel, and from the materials thus collected to frame his accusation.

His Lordship then entered into several particulars; and said, he had no objection whatever to the noble Duke's motion; that the trial, he believed, would commence on Monday the 12th of April; and that, as soon as the specific charge was framed, he would most chearfully submit it to the House for its consideration.

Duke of *Richmond* rose in reply, and pointed out what he called the very extraordinary conduct of the admiralty board. He contended that such a conduct could not be supported upon any principle of precedent, common sense, common justice, or analogy to the proceedings of the courts of criminal law. The proof to be collected from the minutes taken upon Admiral Keppel's trial, could present no materials sufficient to found a criminal charge upon. Was it ever known, that the evidence upon one trial was proper matter to found an accusation for another? Certainly not. The idea was equally preposterous, impracticable and absurd: it amounted to no more than collateral inference and construction, which never could be supposed a proper ground of a positive

a positive charge of criminality. Admiral Keppel might have been perfectly innocent, and his conduct perfectly justifiable, without presuming that Sir Hugh Palliser was guilty. But if the grounds of accusation were unprecedented, the situation of Sir Hugh Palliser was equally so. He has notice of his trial; to what purpose, when he has had no notice of the charge? Can Sir Hugh Palliser know how to defend himself against an accusation, the nature of which he is totally unacquainted with? How can a man be enabled to defend himself against a charge, without knowing the issue to be taken? He appealed to every noble Lord present, whether such an idea would be endured for a moment, in any other species of criminal proceeding. He did not presume that the admiralty-board meant to put Sir Hugh Palliser in so novel a situation, without some intention of balancing, by other means, the severity of such a procedure. This consideration, therefore, he said, led him naturally to the question; whether Sir Hugh Palliser's trial was meant to be a mock or a real trial? Who was to be the prosecutor? Mr. Jackson.—Who was Mr. Jackson? The under secretary to the admiralty-board.—The under secretary is then the accuser; he is the collector of the evidence, the framer of the charge—And against whom? A late favourite member of that board, in every appearance, though not possessing a seat at that board; a favourite with the noble Lord who presides there, and with his *quondam* colleagues in office. He did not wish to make a direct charge of partiality; but he could not avoid observing, that it behoved the first lord of the admiralty to avoid giving any just cause of suspicion, that the same motives which operated in hastening on the trial of Admiral Keppel, had not continued to operate in the same manner on the present occasion. The judge advocate was the person who took down the minutes on the trial, and, of course, in his opinion, was a very improper person to draw up the prosecution.

His Grace, after shewing that the established mode of proceeding on such occasions was by an order from the King, stating some crime or neglect, contended that the summons issued for the attendance of the witnesses likewise bore a very suspicious appearance. The words of the summons were, to give their testimony concerning the conduct of Sir Hugh Palliser, in the action of the 27th of July, when the fleets of Great Britain and France were engaged. Here the summons imported evidence relative to the action, in which it was confessed, on all hands, that the vice admiral of the blue had acquitted himself like an able and gallant officer, and not to his subse-

quent

quent conduct in the afternoon, which was the part of his conduct only on which the accusation ought to be founded, But if the first part of the summons might be defended as an expression loose and indefinite, arising merely from inattention, the word *when* the fleets were engaged, specified the time so exactly, that it was impossible to conceive that either of the witnesses would come prepared to speak to any other point, or, if they did, that it would be proper to receive their evidence, as the party accused must come into court upon the idea only of defending himself against any charge of misconduct on the 27th of July, *when* the fleets of Great Britain and France were engaged.

Lord *Weymouth* said a few words in reply, in which he begged leave to differ from the noble Duke. He acknowledged he was not prepared to speak fully to the subject, but he presumed, that on some future day, before the ensuing recess, the noble Lord at the head of the admiralty would be enabled to give his Grace and the House full satisfaction on that head. The word *when* did not bear the restrictive construction put upon it by his Grace; nor could he ever suppose that it was the intention of the admiralty-board, or the prosecutor in behalf of the crown, to frame a charge directed only to the part of Sir Hugh Palliser's conduct which was acknowledged to be free from censure or reprehension.

Earl of *Sandwich* said, the admiralty-board and the judge advocate could only make use of the materials they had. No accuser appeared against Sir Hugh Palliser. Mr. Keppel had declined, by letter, to make any accusation; it was therefore impossible to frame any specific charge, but what could be collected from the trial of Admiral Keppel. He disclaimed, on the part of the admiralty-board and himself, any intention of stopping the course of justice, or of permitting it to be evaded; and said, that the cases of Admirals Byng, Lestock, and Mathews, were each of them founded upon breaches of their instructions, and loose accusations, and not upon any particular, defined, or specific charge.

Duke of *Grafton* made several observations on what fell from Lord Weymouth, shewing that the word *when*, in the common acceptation as it stood in the summons, and regarding the action, in the extract read out of the copy of the official letter, by the noble Duke who made the motion, were both most certainly restrictive. His Grace followed them with several other observations, to shew that the admiralty-board had various modes in their power of bringing Sir Hugh Palliser to justice, without having recourse to the minutes

taken at Admiral Keppel's trial. It was agreed on all hands that Sir Hugh Palliser was a brave officer, and that the ship aboard which he carried his flag suffered greatly; it was therefore ignorantly absurd, or grossly evasive, to call that part of the vice-admiral's conduct into question, which was equally applauded by his enemies and friends. He adverted to several particulars, which came to the knowledge of the public, pending Admiral Keppel's trial; among the rest, a stronger instance need not be given, than what had been expressly deposed by his own captain, Captain Faulkner, that the admiral, besides the letter, sent a verbal message to Lord Sandwich, informing his Lordship, that he had more to say to him than he chose to commit to writing, and if it were his Lordship's pleasure to ask him any questions he was ready to wait on him. This, he said, was a very material circumstance and ought to be explained, for it shewed that either the noble Lord at the head of the admiralty had some reason not to enquire further, or that he wished to throw a slight on the admiral.

Duke of *Richmond* said, he never could subscribe to the mode of reasoning substituted by the noble Lord at the head of the admiralty; besides the slovenly appearance it had, it would establish a precedent which might hereafter be employed to effect the worst purposes. A person not so much favoured by the court, nor high in estimation with the admiralty-board, might be brought to trial upon a general indefinitive charge, though ignorant in what manner to shape his defence, to procure and collect those materials, or summon such witnesses as would prove his innocence. On the other hand, what was publicly withheld from a person who stood well with those in power, could be privately communicated, by which means, while the innocent man might be sacrificed to the resentments of a court, the real criminal might be permitted to escape. This would be a denial of justice in one instance, and a mockery of it in the other.

He could not see how the framing a specific charge by the admiralty-board, could be strained into an act of pre-judgment, or sending the vice-admiral to his trial loaded with prejudices. In the charge against Byng who was the prosecutor? Most certainly the admiralty-board. Was there not likewise a specific charge and a specific accuser in the case of Lord George Sackville, now Germain? In the latter instance, as in the one quoted by the noble Earl the preceding day [Bristol] was not there first an enquiry to know whether

Lord

Lord Germain could be tried, and afterwards a court-martial, by which he was convicted of some of the offences laid to his charge? As to the affair of Mathews and Lestock, there was no need of all those formalities, because the affair was notorious, and of course the prosecution was founded respectively upon their recriminatory accusations. Here there was none, but what had resulted from evidence given upon a former trial. For his part, therefore, he could never be reconciled to the legality of this mode of proceeding till he heard either of the noble and learned Lords over the way give a decisive opinion on the subject.

Lord *Chancellor* said, he did not wish to give any particular opinion on the subject, but he thought it extremely improper to cast reflections and general imputations on the admiralty-board, or to censure men, because they had not adopted some certain mode of trial, which none of the noble Lords who recommended such a trial undertook to point out.

The noble Duke who made the motion, supported it chiefly on a supposed existing analogy between the modes of proceeding in the courts of criminal and common law. Nothing, his Lordship affirmed, could be more widely different than their constitution and mode of proceeding. He apprehended, that the mode of proceeding and dealing out justice was founded in substantial equity; the condemnation of the guilty, and the acquittal of the innocent; nor could he see, with all the industry he was able to exert, that either of these rules would be violated by the mode of trial, on which, much to his astonishment, he had heard so many hard names bestowed.

His Lordship commented in particular upon the word *mock trial*, and observed, that it was giving an instance of that very pre-judgment which the noble Duke had so assiduously laboured to fix upon his opponents. Such language, while matters were *sub-judice*, was rather uncommon and unjustifiable, and he should hear with much surprise, when attorney-general, and moving for an information, he should be told, that the information, if granted, would only lead to a mock trial.

He said, he was a total stranger to the judge-advocate; to whom, he understood, that the drawing up of the charge was entrusted: yet, in point of candour, where a man was acting in the discharge of a trust, it struck him, unless there was some proof of his partiality more than barely acting under instructions given by authority; that it did not be-

come any man, of however exalted a station or respectable a character, to impute improper motives to a person thus circumstanced. He advised their Lordships to consider who they were, and what might be the consequence of permitting such reflexions and insinuations to get abroad, not only in respect of the gentleman alluded to, but to the person whose honour and every other thing dear to him, might be fatally affected by such dangerous, though ill-founded assertions and suspicions; suspicions easily impressed upon the minds of those who heard them, difficult to be refuted, and still much more difficult to be entirely removed.

Duke of *Richmond* said, that the admiralty-board might in the first instance have procured a specific charge, and a specific answer if they thought proper. The noble Earl at the head of the admiralty had laid great stress on Admiral Keppel's letter, wherein he expressed an approbation of the conduct of the vice-admiral of the blue, without seeming to recollect the message contained in the minutes on their Lordships' table, which the admiral sent by Captain Faulkner, where he said, that he had some other matters to communicate to the Earl of Sandwich, if his Lordship thought proper. The noble Earl, however, passed the message over without taking the least notice of it, and in that, as well as every other affair, treated the admiral with the most marked coolness and reserve.

The learned Lord said, he did not know any thing of the gentleman at the bar. He did not mean to impeach Mr. Jackson's character, but he presumed, that the very description the learned Lord gave of him, furnished a strong argument to presume, a possible abuse not an inherent partiality. He acknowledged, that it was his duty to act under instructions, and to obey them, and that consequently his conduct would and must be prescribed by the first Lord of the admiralty, and when the other precedent circumstances of Sir Hugh Palliser's situation, and the various acts of favour shewn to him, and of unkindness to his commander in chief, were recollected, it would not be saying too much, he believed, to call the trial a mock trial; so far as it might be supposed to affect the vice-admiral of the blue, though in effect, it might prove a second real trial of Admiral Keppel. His Grace concluded his speech with desiring the clerk would read that part of Captain Faulkner's evidence relating to the parole message sent by the admiral to the first Lord of the admiralty. It was to this effect: "Give my compliments to Lord Sandwich, and tell him, I have more to say to him than I think

I think it proper to put in my public letter; and if it be his Lordship's pleasure to ask me any questions, I am ready to wait on him."

Earl of *Sandwich*, in reply, said, that it was impossible he could take notice of any but the office dispatches. He did not recollect the words as they stood in the extract now read; but looked upon the message delivered to him merely as a message of reference. He was indeed never more surprised in his life, than when he first heard the message stated as a particular one. He had a full opportunity of conversing with the captain, as he staid four hours with him, and did him the honour of his company to dine. It was natural to suppose, that in the course of so long an interview, and upon such a subject, that he asked the captain several questions, and enquired into a variety of particulars. After dinner, he took him in his chaise to Kew to wait on his Majesty. While they were on their way thither, among other questions, he enquired about the Formidable. He had a particular reason of a private nature. There was a near relation of his aboard that ship, and he remembered the captain's telling him of the explosion which happened aboard her, and of twenty men having been killed or wounded by that accident.

After being introduced to the King, his Majesty asked the captain a great number of questions relative to the engagement; and, added his Lordship, his Majesty is a close questioner. [*Called to order.*] His Lordship then proceeded to reason upon the whole transaction; observed, that if Captain Faulkner desired or had it in charge to deliver any particular message, he had frequent opportunities to speak to any one point he pleased; nay, he wrote to Admiral Keppel offering to go down thither himself, who thanked him for his offer, but very obligingly recommended him to stay at the board where his presence would be more wanted.

Duke of *Richmond* replied, it was a little extraordinary that the noble Earl had questioned Captain Faulkner upon every other subject and circumstance. but on what the parole message really imported.

The debate for some time became general, till the Duke of *Grafton* pointedly observed, that Admiral Keppel, not Captain Faulkner, was the person proper to be questioned upon the subject of the parole message. Captain Faulkner could not undertake to give information which he neither knew nor was impowered to communicate. The very terms of the message excluded the idea of any intermediate com-

munication whatever, for it was such that he did not chuse to commit it to writing, and of so delicate a nature, that he could communicate it to no other person but the noble Lord himself.

Earl of *Shelburne* now rose, and spoke for upwards of three quarters of an hour; said, the trial and consequent conduct of the admiralty-board, amounted substantially to a dismissal of Mr. Keppel; that the noble Lord at the head of the admiralty had rendered himself obnoxious to the navy by his conduct towards that gentleman; that the representation made by the subscribing admirals to his Majesty, and a much more extensive one drawn up, but which had not been presented, shewed beyond a doubt, the sense the gentlemen of the navy entertained of the unfair and cruel treatment Mr. Keppel received from the admiralty-board; that he frequently met officers of his acquaintance, high in rank, and of the first respect in their profession, in brown coats, and enquiring of them why they had thrown off their uniform, they answered either that they were not to be employed, or did not think it safe to be employed under the present administration of the admiralty-board. His Lordship then proceeded to inveigh in the strongest terms, against the conduct of that board towards Mr. Keppel; and contended without reserve, that Mr. Keppel's life had been attempted in the first instance, and that, when he had risen superior to the malice, malevolence, and detestable arts of his persecutors and oppressors, they had contrived means to drive him from the service. All this was matter sufficient to create great uneasiness, and afforded cause of just alarm. The fate of this country might possibly depend upon the events of the ensuing naval campaign. Ministers should therefore be extremely careful what persons they employed at so very critical a period. He did not like canvassing professional characters in that House no more than the noble Earl at the head of the admiralty, nor did he mean to reflect upon any man, but the stake was a great one and ought to be very carefully played for.

His Lordship laughed at the noble Earl's boasted acts of kindness to Admiral Keppel, in ordering him to be immediately brought to trial. He declared, it was the first time he ever heard that to endanger a man's life, and to cause him to suffer under a load of accusation, was a matter of kindness. If he was a seaman, and was to serve under the present board of admiralty, he would fervently pray to Heaven, to avert such

such kindness from him! he had little doubt but the present commanders of the western squadron were of the same opinion, and would, in such a possible event, think that the noble Lord's kindness would be little short of downright cruelty. His lordship spoke to a great variety of other points, which had already in the course of the session been frequently the subject of discussion.

Earl of *Chesterfield*, among other things, said, that it was not the fault of administration that Admiral Keppel was not employed; for the true reason was, that he refused to serve unless his Majesty consented to change his servants.

Duke of *Richmond* pinned down the last noble Lord to what he had now asserted. Said, it was not founded in fact, and that the noble Earl should have been more careful to stake his credit upon any assertion, which did not come immediately within his own knowledge. Here the debate closed, and the Duke of Richmond's motion was agreed to.

The Duke of Manchester's motions were postponed till Tuesday.

As soon as the debate was over, and the question carried, the House went into a committee to enquire into the management of Greenwich Hospital.

The two points to which the witnesses were called this day were, the pensioners shirts and sheets, and the fire which broke out in the taylor's room in the hospital.

Captain *Baillie*, and several other persons proved, that both the former were considerably short of their due and stated lengths; and that the fire, which had done such considerable damage, was occasioned by great carelessness; that several complaints had been made about the deficiencies in the lengths of the shirts and sheets, and frequent remonstrances made by the military officers, when it came in their routine of duty, concerning that very room from which the flames burst forth. That both complaints had been stated to the council of the hospital, and reported to the court of directors, but in either instance to no manner of purpose. There were other persons examined besides Captain Baillie to the sheeting and shirting, who severally endeavoured to palliate the shortness of the lengths more than to attempt to directly deny the fact.

The cause of the fire was chiefly attributed to the room, called the taylor's room, being turned into a kind of suttling-house, where almost all the disorderly riotous pensioners used to assemble every night and get drunk. Lieutenants Kerr,

Smyth and Carrol, corroborated Captain Bailie's testimony very fully; that some accident of the kind had been long foreseen, and the nuisance frequently complained of by them, when their duty led them to enquire into and report on the internal state and police of the hospital. Committee adjourned till Monday. House rose and adjourned to the next day. Duke of Manchester's motion deferred till the 30th.

March 26.

Judicial and private business. No debate. House adjourned to the 29th, and the committee to the 30th.

March 29.

Judicial and private business. No debate. Greenwich Hospital committee deferred till after the holidays.

March 30.

This day a debate took place on the second reading of the Bishop of Landaff's bill, to prevent adultery, by prohibiting the inter-marriage of the criminal parties with each other, which, as the bill was thrown out in the other House, it would be of very little consequence to the public to be acquainted with the detail of it.

Before the order of the day, on which their Lordships were summoned, upon a motion of the Duke of Manchester's, was read, Earl of *Bristol* rose and moved for the following papers. His Lordship moved, "That there be laid before this House copies for all orders for convoys between the 1st of January and the 1st of March, 1779." Also,

"That an address be presented to his Majesty, that the commissioners for executing the office of Lord high admiral of Great Britain do lay before this House copies or extracts of all papers, so far as they relate to any intelligence of the names of the ships, and the number of men aboard each ship, that has been fitted out since the 1st of March, 1778, or is now fitting out at Toulon, with the date of the receipt of such account." Also,

"An address for copies of the monthly lists, containing the disposition of his Majesty's ships and vessels in sea-pay, between the 1st of January, 1778, and the 30th of October following." And also,

"An address for an account of the number of ships and sloops, with their rates and tonnage, that were repaired and repairing, built and building, in the King's and private yards, together with the numbers launched and completed, between the 1st of January, 1771, and the 1st of January, 1779."

His

His Lordship then proceeded to observe, that the misconduct of the admiralty-board called for the most speedy and effectual investigation and animadversion. The present alarming state of the navy, when compared with the force of France singly, or the combined force of France and Spain, was, in his opinion, sufficient to rouze every noble Lord, every man indeed, within or without that House, and fix his attention. The system by which that board was conducted, was a system of the vilest delusion, the most unprecedented imposition. The nation and that House were totally ignorant of the real state of our navy; our want of information was the great source of national ruin, because, he was persuaded, that if their Lordships knew the real state of our navy, two events would have long since happened; that is, the instant dismission of the first Lord of the admiralty, for the repeated gross falshoods by which he had so often abused and misled that House; and the adopting measures of vigour, applicable to the present alarming crisis: in short, an encrease of force, and a proper distribution and employment of it.

Having urged a variety of reasons, and stated several instances, to shew how we had been deceived, and how likely we were to continue under the same delusion, so long as Lord Sandwich remained at the head of the admiralty, he pressed the necessity, now at the very eve, he believed, of a war with Spain as well France, of learning our situation; what was the force of our enemies, and what force we should be able to oppose them with, as from those very important circumstances properly authenticated, we should be enabled to form a true judgment respecting our real situation.

Before he sat down he would tell the noble Earl very fairly the object of his motion in point of immediate effect. It was a stretch of candour to which, he fancied, no person could lay claim with less justice than the noble Lord. It was this; as the first essential measure for the restoration of our former state of marine power and glory, he meant that the papers moved for should draw forth documents fully sufficient to shew that his Lordship was by no means equal to the arduous task he had undertaken, that of forming a great navy, or of distributing it properly, or employing it skilfully. Naval operations were objects far beyond the noble Earl's abilities. Besides this, he had reason to be persuaded, that his Lordship was criminally neglectful as well as criminally active; nor would, he could venture to predict, the British

British flag ever recover its wonted dignity and lustre, so long as the noble Earl continued to preside at the admiralty-board.

These were his sincere opinions, and this was the object he had in view. He meant to charge the noble Earl with acts of a very criminal nature, on the 16th of next month [April]; and he made the foregoing motions, not to satisfy himself, but their Lordships, that his charges were officially well founded. He was already, for his own part, thoroughly convinced of the charges he wished to establish. He had the proofs in possession; but he wanted the sanction of their Lordships to stamp upon the information he intended to give, the authentic mark of parliamentary authority.

Probably he thould again hear the stale apology, for withholding all official papers, that the giving them would be the means of conveying improper matter to our enemies. To meet, however, this objection in any instance, where it might bear the most distant resemblance to truth, he was prepared to qualify and accommodate his motions to that special circumstance, by any restriction whatever, that did not tend to expressly defeat the obvious intention of them. He would add besides, one word upon the ground of precedent. The motions were copied literally, from similar motions made in the year 1759, in the very height of the late war, and when an invasion was threatened from France. He could not sit down without likewise endeavouring to impress this important truth on their Lordships' mind, that there was not an iota of the matter, which his motions were intended to draw forth, with which the French cabinet was not already perfectly acquainted.

As soon as the question was put, on his first motion, the Earl of *Sandwich* rose, and said, he did not know on what ground, or authority, or usage of debate, the noble Earl charged him in such strong terms. The noble Earl had expressed great candour; but in his opinion, if he might be presumed to advise, his Lordship should first state his proofs, before he ventured to pass judgment. He had been indisposed for some days, and little expected, when he came down, that he would be called upon to defend himself against a personal attack.

As to the motion now before the House, and the others which were intended to follow it; he wished to express a disapprobation of them, being firmly persuaded, that should they be agreed to, it would prove of the very worst consequence, They went no less to the exposure of the whole of our force, *in number of* ships, rates, tonnage, stations, distribution, and employ-

employment, number, of men, &c. In short, every one circumstance not only relative to our navy, but to the whole of our plan of marine operations.

After several strong expressions, in reply to those used by the noble Lord who made the motion, in which he challenged his enemies to the worst, being conscious, he said, of his own integrity and assiduity, he observed, that the noble Earl offered to consent to have his motions altered or modified, in such a manner as to remove every apprehension of conveying improper information to our enemies; but that proposition, however seemingly specious, was in fact impracticable; for no one part of the motions could be complied with, without giving our open or concealed enemies that species of information, which they most wanted. The noble Earl said, France already knew the state of our navy; but that he insisted was not so. France had not the means; they might receive imperfect accounts, or tolerable correct ones of this or that squadron, or detachment; but the real state of the whole of the British navy, could only be known to the admiralty-board. If that was once conveyed to the public, France would no longer be drove to rely upon report or conjecture, which serve rather to mislead than to inform: she would have recourse to the parliamentary documents before that House.

After several more arguments of the same tendency, he said, he would give the motion made by the noble Earl a most hearty and decisive negative.

The Duke of *Chandos* spoke warmly on the same side; said, that no public business could be transacted, if motions were thus to be repeated day after day; and the time which should be otherwise employed in that House, wasted and misspent to no manner of purpose.

Earl of *Bristol*, in reply to the noble Duke, who spoke laſt, expressed his astonishment, that any noble Lord should consider the present attempt he was making towards an important enquiry, as an effort tending to produce no utility. He could never conceive, that the mere attention to official business could be balanced against matters, which involved in them the very existence and independence of this country. A few supernumerary clerks would supply the deficiency on which so much stress had been laid; and he believed, that even this would not be necessary, but upon particular occasions. Yet allowing, that the business was too weighty for the noble Lord, which he was easily persuaded to believe, why did not his Lordship copy the conduct of that great man, Sir Charles Wager, soon after the commencement of the Spanish

war

war in 1739. That able seaman, instead of being a vaunter and a boaster; instead of singing and holding forth in daily eulogiums upon his own administration, and his honesty and personal integrity, informed the cabinet, like a real honest man, that he wished to be assisted and relieved from his fatigues, by an old brother officer. He wished, he said, to call Sir John Norris to his aid. After some advice on the subject, Sir John attended at the board, and was occasionally admitted into cabinet, when naval affairs were under discussion, at Sir Charles's special request.

The Duke of *Chandos* adhered to his former opinion; he said that it was a necessary consequence of perpetual debates, that the public service must suffer. The noble Earl had insisted much on the importance of the motions. He did not pretend to decide; but he imagined their expediency, as well as importance, ought to be fully shewn and demonstrated, before their Lordships ventured to adopt them.

The Duke of *Richmond* commented on what had fallen from the noble Duke, and said it was a strange mode of argument, which he had adopted. It amounted to this, that the information desired, should be shewn to be really important. Was there a noble Lord present, who doubted that a knowledge of the true state of our navy was not highly important; that the grandeur and prosperity of this country did not depend upon it; and that consequently our navy was the standard by which alone the ability of this country could be fairly measured?

The noble Earl, at the head of the admiralty, said, and the noble Duke, who had just sat down, echoed it, that it would be unadviseable, if not very mischievous, to grant the papers called for; because it would convey to our enemies the state of our navy. How did this argument accord with the whole tenor of his Lordship's speeches, as well at present, as for the five years preceding; that our fleet was in the most flourishing and respectable condition? How very different was the noble Earl's language on the present occasion, from that his Lordship was wont to hold, whenever the navy was mentioned, or any doubts started relative to its real strength? On these occasions, the noble Earl never failed to assure their Lordships, that the more the state of the navy was communicated or made known, the better. It would convince our enemies, what they might expect, and would prove the best means of securing the public tranquillity.

After dwelling for some time on this subject, in the course of which he reminded his Lordship of several of his vainglorious boastings as to the strength of our navy, the weakness

ness of that of France; and of the improbability of a French war, till the very day it was announced by the publication of the French rescript; he proceeded to a review of the bad treatment of the officers, naval and military, particularly the former, who had upon so many occasions been vilified and traduced by ministers, and their friends in both Houses, and among other instances, mentioned the compulsive retreat of a near and worthy relation of his [Admiral Keppel] who had been drove from the service by the arts of a faction, supported and set in motion by a few unprincipled, envious, and malicious individuals. While he was on the subject, he could not avoid mentioning the fate of another most able and gallant officer, a noble Lord in the other House [Howe] who had likewise been marked out as the object of ministerial rancour and vengeance. He should not enter into detail on that subject; but he must observe, that ministers ought to be very careful and attentive; the safety of this country was committed to their charge; that safety depended on our navy, and the success of the day a great deal on the skill and ability of the commander in chief. If this was true, it most certainly behoved ministers to know when they parted, or rather proscribed such men as Lord Howe and Admiral Keppel, to likewise see on whom they were to depend. He wished to pass over so delicate a subject in silence; but his duty would not permit him to sit down, without making an observation or two. In short, to contrast the circumstances, so far as the nation is concerned. The nation has lost Lord Howe and Admiral Keppel, the nation, in their stead, has got Sir Charles Hardy, the governor of Greenwich Hospital, whom they have dragged from his final retreat, to the public service. What was the consequence? The whole body of officers was disgusted at so extraordinary an arrangement of command.

Sir Charles Hardy had not been at sea for almost twenty years. He was arrived at a period of life little calculated for the performance of active service. He trusted, that nothing he said, would be interpreted as conveying any censure on that officer; on the contrary, he entertained a very proper respect for his bravery and abilities: all he would be understood to urge was, that the expectations of the nation, and the wishes of the whole body of officers, were directed another way.

His Grace then took a short view of the state of the nation, contrasted what we had suffered, and what we had a right to expect, with the trifling advantages we had obtained. What were the losses? Totally giving up the Mediterranean,

the

the loss of thirteen provinces, of thirty thousand men, and thirty millions of money, &c. What had we to throw in the opposite scale? The capture of St. Lucia, and a landing effected on the southern part of the continent of North America; taking the latter in its utmost extent, the conquest or possession of the province of Georgia. That any real advantage would be derived from the acquisition of Georgia, was to him a matter of great doubt; and as to St. Lucia, he thought it was much too dearly purchased by the loss of so many brave men, who were daily falling a sacrifice to the climate. He understood that the army under General Grant was, for its number, one of the best disciplined and well appointed body of troops in the world; but he was sorry to hear, that this body was mouldering away by the unwholesomeness of the climate.

For his part, he was always averse, unless when real necessity required it, to send troops on such expeditions, and more particularly such troops, as he understood, those were. He remembered, towards the close of the late war, how very dearly we purchased the Havanna, which did not cost us much less than ten thousand men, including seamen and soldiers. He would say nothing of the pecuniary expence, as that was matter of little consideration in this country, where recruits were so difficult to be obtained, compared to the loss of men who could not be replaced, when they were immediately wanted.

His Grace condemned the St. Lucia expedition, as the effect of rashness or despair, and observed, that Commodore Hotham's safe arrival, considering that he was within a day's sail of a superior enemy, was much more owing to good fortune, than to the wisdom of those who planned that expedition. His Grace then proceeded to observe, on the other recent instance of our success, the capture of Pondicherry, and the naval action previous to that event, which he called a drawn battle, though the numbers were equal. From all which he drew this general deduction, that France had hitherto proved a full match for Great Britain, on our own proper element; and that every thing was to be dreaded from a contest, that might, and, he feared, would, at length draw Spain into the quarrel; in the event of which, a confessed superiority must of course draw after it its consequences, the consequences of a decided majority. His Grace concluded with reminding the first Lord of the admiralty of his frequent promises and boastings of his being always prepared *not* only to meet France single handed, but the united force of

of the whole House of Bourbon. A trial of twelve months had been given to the noble Lord at the head of the admiralty, at the end of which period, he must acknowledge, and their Lordships must be convinced, that we had not yet proved ourselves superior even to one of the branches of the House of Bourbon.

The Lord *Chancellor* replied to the noble Duke. Upon the proper subject of the motion, his Lordship contended, that it was not this or that noble Lord that granted or refused papers, but it was the sense of the House alone which decided that point. The refusal always arose from the subject, and the opinion of the House; and could not be looked upon in any other light, but as that of the whole House taken in its collective capacity. On the other points, to which the noble Duke spoke, he was rather severe; and endeavoured to shew, in several instances, that his Grace wished to depreciate the conduct of the several officers naval and military, particularly that of Admiral Barrington, and the officer who commanded the expedition to the southward; but it was pretty evident, that his Lordship's discourse was rather a warm sally in debate, than a regular convincing speech.

The Duke disclaimed any such intention; said, he had a very high opinion of Admiral Barrington, and was certain, that the officer would always acquit himself with honour and reputation, so he hoped and believed would every other officer employed in the southern operations, whether on the islands or on the continent.

The question was at length put, and Lord Bristol's motions negatived by a majority of two to one, the numbers being 60 to 30.

The Duke of *Manchester* then moved for an account of the number of victuallers bound for the river Delaware, which sailed from Ireland from the 1st of January to the 1st of July, 1778, with an account of the directions given by any of his Majesty's servants for their sailing.

Lord *Weymouth* objected to the generality of the motion, but said he had no wish to defeat it, if it was so drawn up as not to involve in it matters which were not professedly looked for. He doubted not but upon enquiry every part of administration would appear perfectly justified in their conduct.

The Duke of *Richmond* acknowledged that the motion was originally his, and had been made by the noble Duke at his request, and he would fairly tell the object: a report prevailed very currently that a noble Lord in high office [Lord North] after he had sent directions for the evacuation of Philadelphia,

ladelphia, sent orders that a fleet of victuallers should sail from Corke. If the fact was as he had heard, he thought the matter called for a thorough investigation. It was an act of the highest criminality, or at best of negligence; and negligence was in a minister little short of treachery. Nay, it was an act of so atrocious a nature as to well warrant an impeachment.

He passed several compliments on the conduct of the noble Viscount high in office, who had shewn so much candour. Indeed the noble Viscount had always shewn a disposition to oblige, and he was the only member of the cabinet who did.

The Lord *Chancellor* said, he thought the paper was a very improper one to be granted; but even if it was not, must not the paper be first described? The noble Viscount objected with great propriety to the generality of the motion. The noble Duke who spoke last, confessed he was unable to point out any mode which would answer the end of the motion, and free it from the objection stated; how then was it possible for the House to determine upon a motion which could not be said to be properly in existence, because not modified to the idea of those who had taken an interest in it on either hand? After hinting pretty roundly at the impropriety of bringing down loose indigested motions to be new modelled in that House, he declared he should give the motion, altered or unaltered, a negative; because those who supported it built an inference upon the supposed fact, which led to the crimination of an absent person, [supposed to mean Lord North.]

Earl of *Dartmouth* said, as no method had been devised to remove the objection stated by the noble Viscount, he was against giving the information desired; and though the objection of generality was removed, he thought the motion totally unnecessary, no bad consequence having arose from the fact as represented. He did not wish to be understood that the fact was so; but he argued merely on the supposition that it was.

Duke of *Manchester* said, he was willing to alter his motion in any manner the House might think proper. He made it at the instance of his noble friend near him, and, if agreeable to him, was ready to confine it from the first of February, or even later; for he presumed, that all his noble friend desired to know was, whether the order sent for the sailing of the victuallers was subsequent to the order for the evacuation of Philadelphia?

Duke of *Richmond* was severe on the conduct of the Lord *Chancellor*, who, though a member of the cabinet, had, on the

the present occasion, very unnecessarily stepped out of his province, and offered to controul the opinion of another cabinet minister, to whose department the affair properly belonged, in that House. The noble Viscount had acquiesced conditionally. No, says the noble Lord on the woolsack, it shall not be so: whether the motion be altered or not, I am determined to set my face against it. He made several pointed observations on the conduct of the noble Earl in office who spoke lately [Lord Dartmouth]; said, when it was known that the motion was directed against an intimate and nearly connected friend of his [Lord North] if he thought his friend innocent of the charge, he should have been one of the first to urge the enquiry. His Lordship's conduct, however, gave room to infer that he thought otherwise, and that the only defence that could answer any effectual purpose would be to put a stop at once to all future enquiry.

Lord *Chancellor* said, though he had not so much vivacity or perseverance, nor could stand so long, or rise so often, as the noble Duke, that he would always endeavour to support his own opinions, without a reference to those of any other individual. Other noble Lords might think for themselves, so would he for himself.

Duke of *Richmond* retorted, that, with whatever perseverance or spirit he enforced his arguments, he believed the noble Lord was in the habit of long-standing and long-speaking as much as any noble Lord present. He had himself, indeed, for some time past, acquired habits of long standing and speaking, which he would continue to practise whenever it became necessary.

Duke of *Manchester* complained of the conduct of the noble Lord on the woolsack, who, he perceived, took every opportunity of treating any proposition he took the liberty to submit to their Lordships, with a certain air of contempt, as unworthy of their Lordships' notice. But he begged leave to assure that noble Lord, that no confidence that might be assumed in that House, nor no quibbles, or legal distinctions, which might be raised in order to confound, puzzle, and distract, and throw over the whole a designed obscurity, should ever deter him from a faithful performance of his duty.

After some farther altercation, of no consequence, the question was put on the Duke of Manchester's motion, and lost by a majority of 40 to 28.

March 31.

On the report of the sewer's bill, a short debate: the bill deferred for six months, upon a division, fourteen to eight.

Duke of *Richmond* then rose, and entered very much into the detail of his intended motion. His Grace said, that nothing

thing but the necessity arising from the expected adjournment, and the intended court-martial, which would take place before Parliament again met, should have induced him to make the motion he was about to submit to their Lordships. Parliament would rise in a day or two, the court-martial, as he understood, would commence in a few days; so that, if he should let slip the present opportunity, he must forego every other, of bringing the question into discussion. That, he trusted, would be a sufficient apology for his agitating the present question in the absence of the first lord of the admiralty, whom it might be supposed to particularly affect. He thought it incumbent to attend somewhat to this circumstance, on account of the distressful circumstances his Lordship's family was involved in [presumed to advert to the recent death of his daughter-in-law, the late Lady Hinchinbroke, daughter of the Duke of Bolton] were it possible to be avoided. The business of the day, however, would not, he said, admit of delay; it was too pressing, and of too much importance, and the more so, as the point he was going to speak to, exhibited at once the most glaring partiality, and the grossest injustice.

The matter to which he adverted was the impending trial of Sir Hugh Palliser, which, in respect of form, substance, and mode of proceeding, he contended was highly censurable. The only proper accuser of the vice of the blue was the admiral under whom he served; but Mr. Keppel had declined to be the vice admiral's accuser: he was sure he declined to act in that capacity; he had forgiven Sir Hugh Palliser; nor did he mean, by any thing he could learn, that the admiral had the least intention of taking any part but what, as a witness, he might be compelled to as an act of duty. The admiral had already said so, in the face of the nation, nor would any motive, he believed, now shake his purpose. He had hitherto scrupulously kept his word, nor had he ever mentioned Sir Hugh Palliser's name, either publicly or privately, unless when pressed to it as a member of another assembly. He could not, therefore, conceive any legal ground there was for bringing Sir Hugh Palliser to a court-martial, unless there was some person who stood forth as a specific accuser. All trials, according to the usual mode of proceeding, ought to be preceded by a specific accusation. Every idea of accusation had been formerly abandoned, or rather every intention of it uniformly disclaimed, by the admiral. Then, why proceed to bring the vice admiral to a court-martial? Surely it could not be at the desire of the unhappy man who was to be the object

of

of it; for, though he run some risque of censure or punishment, he could see no benefit he could derive from an acquittal. He might, and would, he presumed, escape punishment; but no court could ever wipe off the stigma, or the opinion conceived by his brother officers, who, on the former trial, declared him the author of an ill-founded, false, and malicious prosecution.

His Grace then read extracts from several office-papers, as part of his speech, of the correspondence between Sir Hugh Palliser, Mr. Stephens, secretary of the admiralty, and Mr. Jackson, the judge-advocate. His Grace, as he went along, made several observations on those respective documents. On Sir Hugh Palliser's first letter, demanding an enquiry into his conduct, the admiralty-board informed him that they meant to institute an enquiry; but, in their next letter, informed him that they had ordered a court martial. This, he said, was a very sudden alteration of opinion; the board might have had their own reasons; and he imagined, without doing any great violence to probability, it might be thought that a mere inquiry might lead to a solemn trial, and that what perhaps was intended for the vice-admiral's benefit might draw after it very serious consequences. He observed, that the list of the witnesses to be summoned to give evidence at the trial had not been delivered in, according to the order of the House; on which account he had given notice to the judge-advocate to attend at the bar, in order to explain the reasons why the order could not be complied with.

After some comments, tending to shew the partiality with which every step in this business had been conducted, he drew several conclusions, in order to point out the very suspicious complexion that overspread the whole transaction, and which, he said, established, what few doubted of, a pre-concerted design, followed up through every successive stage, to disrobe Admiral Keppel of his professional reputation and his honour. It was chiefly on this ground he took the matter up, and, by calling forth the interposition of that House, and a timely exertion of its authority, he wished to check the conduct of the admiralty-board, in the exercise of a power, which was vested in it, not for the perversion, but the indifferent distribution, of justice.

The trial, he was afraid, was so ordered, and the means of obtaining truth so involved in ambiguity and confusion, that justice could neither be done to Sir Hugh Palliser, nor the public. It was framed in a spirit of collusion and secret in-

demnity, so as to render it no better than a mock trial. The preparatory measures for calling Sir Hugh Palliser to an account confirmed him in this opinion the more he turned his thoughts to the subject. How was it possible to try that gentleman, without a specific charge? How was it possible for that gentleman, without such a specific charge, to know how to shape his defence? Where was the issue? What was the affirmative upon which issue could be taken?—The charge understood without doors was a charge of disobedience. Was not that imputation frequently spoke to by several witnesses on the first trial? Why not then bring a specific charge of disobedience, and give the vice-admiral a fair opportunity of proving his innocence? Or, should he fail in that, of being liable to be censured or punished, according to the circumstances of the case, in proportion as they must appear more or less deserving of them?

His Grace then went on to contrast the conduct of the admiralty-board towards Mr. Keppel, which, in all the successive appearances it presented to the public, bore, he said, the strongest marks of prejudice and persecution. It was not only malicious, but it was illegal; he meant the refusal of the admiralty-board to exercise the powers vested in it for the public good, the discretionary power of dismissing totally, or of suspending, complaints, when those complaint originated apparently in resentment and a spirit of recrimination. This was the more remarkable, because the noble Lord at the head of the admiralty had repeatedly lamented, in that House, and the same sentiments had been as often expressed by the minister and his friends, in another assembly, that sending Mr. Keppel to a court-martial became unavoidable, because the board was necessarily bound, however improbable or absurd the charge might be, to instantly entertain it, and order the proper proceedings thereupon; yet, upon a motion made by a very respectable person and able lawyer [Mr. Dunning] in another assembly, this doctrine was given up by the law officers of the crown, and its intended object, that of a censure of the admiralty-board, got rid of by the previous question, on the ground that the discretionary power legally existed, and consequently did not call for the additional sanction of a vote of that House, to stamp an authority upon what every branch of the legislature had already declared to be law.

His Grace said he had taken the trouble to get every information on the subject which books were able to afford him, and,

and, in the whole course of his researches, found no precedent come up to what was now apparently intended, respecting the trial of Sir Hugh Palliser; he meant the bringing that gentleman to his trial, on a charge to be collected from the minutes of a former trial. He examined the journals of the House in the year 1744, respecting the proceedings against Mathews and Lestock, when those admirals were watching the motions of the Spanish fleet, then blocked up in Toulon. On that occasion, as there were complaints on each side, the admiral charging his vice-admiral with disobedience of orders, in not closing the line while the center and rear divisions were engaged with the combined fleets of France and Spain; and the vice-admiral, in like manner, criminating his commander in chief, for not giving directions for hoisting the proper signals, which would have enabled him, the vice-admiral, to come into the action. Here, though the admiral made the charge, which was retorted by the second in command, no partial trial was ordered. On the contrary, an enquiry was instituted, the result of which was, that each party was sent to a court-martial.

His Grace next adverted to the case of Admiral Byng, and read, as part of his speech, the warrant from the board of admiralty, in 1756, directed to the deputy-marshal, ordering him to take into his custody the body of Mr. Byng till his trial, upon a charge of a breach of instructions, and for not having done his utmost to sink, burn, and destroy the ships of the enemy, should be had. Here was a specific accusation containing two articles. The first a breach of instructions, pointed to his not debarking the troops on the island of Minorca agreeable to those instructions; the other, respecting the actual engagement, which charged him with a breach of duty, the not having done all in his power to sink, burn, and destroy, &c. From whence his Grace drew the most incontrovertible proofs, in his opinion, that bringing an officer to trial without some previous charge, was no less unprecedented than unjust; no less novel in its exercise than every way suspicious in its tendency and complexion.

He observed, that the times were critical; that our navy was our principal dependence, so far as the prosperity of the empire rested on the preservation of its distant dependencies. To preserve them we must assert the empire of the sea, or we must expect to be stripped of them gradually, perhaps in a rapid succession. It therefore behoved us to remove all suspicion as to the temper and disposition of those who sat at

the admiralty-board, and take care to improve and secure as much as possible a proper confidence between that board and the officers who were to act under it. Such a confidence was the life of military enterprize, and was generally productive of success; whereas, a want of it generally terminated in national ruin and personal disgrace: it behoved their Lordships too, to enquire whether the conduct of that board afforded any just ground which might give reason to fear that so necessary a means of success were wanting. As the guardians of the people, and the great constitutional advisers of their Sovereign, they were bound, both by duty and interest, to interpose in every matter of real importance relative to the preservation and safety of their country. These were the motives which induced him to trouble their Lordships on the present occasion, and he made no doubt but they would make the proper impression upon every noble Lord present. In that persuasion, he had ordered Mr. Jackson, the judge-advocate or crown prosecutor, to attend, and, if it was their Lordships' pleasure, he would desire that Mr. Jackson be called to the bar.

Mr. *Jackson*, the judge-advocate, was then called to the bar.

Q. Asked why he had not delivered in a list, according to order, of the witnesses summoned on the trial, with the list and inclosure which accompanied it?

A. The same papers had been delivered upon motion to the House of Commons without the list. He did not withhold it from any private reason, nor was he instructed to withhold it: he had brought it in his pocket lest it might be called for, and then held it in his hand.

[*List of witnesses delivered in and read by the Clerk.*

Q. Had the witness any other reason for withholding it?

A. Yes; a point of delicacy.

Q. What was it?

A. He did not think it proper to publish the names of the witnesses before the trial; he had acted in the same manner in regard to Admiral Keppel, for when Sir Hugh Palliser upon that occasion called on him for a list of the witnesses which Mr. Keppel meant to call to his defence, he declined it from motives of delicacy; the consequence of which was, a mutual interchange of lists between the admiral and vice-admiral.

Q. Why in the list, does the name of the honourable Lieutenant Lumley not appear?

A. His

A. His plan was to summon such witnesses only whose testimony proved strongest and most specific.

Q. If Mr. Lumley had not deposed, that the Formidable did not carry her lights in the night between the 27th and 28th of July?

A. Yes, but Sir Charles Douglas, one of the witnesses summoned, deposed more particularly and with greater certainty and precision to that fact.

Q. If the witness did not think that the evidence of a witness who deposed strongly to a fact, might be corroborated by circumstances which fell short of those related by the principal witness?

A. Certainly; but the fact was already sufficiently ascertained, for Sir Hugh Palliser had acknowledged, that the Formidable carried no lights in the night between the 27th and 28th of July.

Q. If the specification of the time, stated in the letter from the admiralty-board to Sir Hugh Palliser, which informs him of his intended trial for his conduct, in the words "when the fleets of Great-Britain and France were engaged on the 27th of July," could be extended, by mere inference, beyond the literal and obvious construction of the words?

A. There was no order came through his hands but the order of summons for the attendance of the witnesses. The summons had no particular reference to the vice admiral's conduct during any defined period of that day; but were he to give an opinion himself, he was inclined to believe, that the enquiry would extend indiscriminately to all the transactions of that day.

Q. What was the general understanding or idea of a naval day, according to the technical language used by seamen?

A. He presumed from one o'clock in the morning till twelve the next evening.

Q. If the seaman's day should be deemed to commence at sun-rise and terminate at sun-set, could Sir Hugh Palliser's neglect, in not ordering lights to be put up aboard the Formidable, be properly enquired into?

A. He did not know that the enquiry was to be confined to the 27th of July, or that a day at sea was differently computed from what it is at land; but, according to his ideas, evidence ought to be admitted to the whole of the action, and subsequent circumstances taken together, both before and af-

ter sun-set; and, of course, from the 27th at night till the 28th in the morning.

Q. If omitting to put out lights was not a very great neglect?

A. He presumed it might: that, however, would depend upon circumstances. Not knowing any circumstance which could enable him to give an opinion, he must decline giving any further answer to that question.

Q. Whether he had received any orders from the admiralty-board as to the mode of conducting the trial?

A. None but the general order to collect the evidence from the minutes taken on the trial of Admiral Keppel.

Q. Had he consulted or advised with the admiralty-board on the subject?

A. Never had a syllable of conversation with the board, or any of the members who compose it, on the subject.

Q. Did he look upon himself as the accuser on the part of the crown?

A. He did not.

Q. Had he formed, or had he direction to draw up, or frame, any specific charge?

A. He had not.

Q. Who then was to draw up the charge and support it on the trial?

A. He presumed, the court, from his selection of the minutes, would frame a charge, and support it from materials thus collected, by calling evidence to the particular facts.

Q. What situation would Mr. Jackson stand in, in the court?

A. As an indifferent person, under the direction of the court; not as an accuser or defender of either party.

Q. Did the witness recollect any instance, in which the judge-advocate stood in the situation thus described, or of a person being brought to trial, in which it was the duty of the court to frame the charge and to support it?

A. He did not know, whether a charge might not be framed previous to the opening of the court. He had received no directions to draw up any charge.

Q. Did the witness know any instance, where the minutes taken upon one trial, was the ground, and only ground, of accusation on another trial?

A. He did one; but he could not trust so far to his memory as to say, that he was able to state it correctly. [*Desired to proceed.*] It was in the year 1771, when the late Commodore

Commodore Spry commanded at Plymouth. Mr. Spry received an anonymous letter, stating, that a lieutenant aboard his ship, or under his command, had purloined and embezzled the naval stores; which letter he sent to the admiralty-board. A trial was immediately ordered; and the fact being proved, the lieutenant was convicted and cashired. In the course of the trial it came out, that it was not stores aboard the ship the lieutenant served, that were embezzled, but that he had received them from a boatswain aboard another ship. The boatswain was then ordered to take his trial, on the minutes which appeared on that of the lieutenant; and the facts being proved, he was likewise found guilty of the charge.

Q. Was there no accusation specified, such as that one received, and the other purloined?

A. He could not tell, not having attended the trial.

Q. Who acted as judge-advocate on the occasion?

A. Could not exactly say, but believed it was Mr. Spry's secretary.

Q. Were there not many more witnesses than the names contained in the list, who had given evidence respecting the conduct of Sir Hugh Palliser on the 27th of July?

A. There were, but for the reason before assigned he did not think it necessary to summons them; he selected those only whose testimony was strongest and most pointed.

Q. Might not several witnesses who deposed only to other circumstances, know a great deal relative to the conduct of Sir Hugh Palliser, and why were not they summoned?

A. Certainly many witnesses might know, but his duty was only to obey the order of collecting evidence from the minutes; he could not therefore issue summonses for the attendance of persons who did not, by any thing he could learn, appear to know any thing particularly relative to the behaviour of Sir Hugh Palliser.

Q. Did not the witness believe, that those officers who were, during the action and the whole afternoon, nearest the Formidable, were the best enabled to give testimony relative to the vice-admiral of the blue's conduct?

A. He thought so, and he begged their Lordships would understand, that the persons who were to give evidence were not merely confined to the names contained in the list; several more might be added between this and the commencement of the trial; even pending the trial the court would be at liberty to call any witnesses they thought proper. For his part,

part, he was of opinion, that Admiral Keppel ought to be summoned to give evidence; nor did he yet know but that the admiral and several other officers would be called upon to attend the enquiry.

Q. What was the reason other persons were not summoned to give evidence relative to the message delivered by Captain Windsor?

A. Said, that Captain Windsor was summoned; that he gave personal notice to Lieutenant Bertie that he would be summoned: and that, as to the midshipman examined on the former trial, he was excused on account of his youth.

Q. Why were not others summoned?

A. He believed that those mentioned were sufficient; that he did not think it necessary to summon the whole crew of the Fox; but that the point would lie between those who heard the message delivered on one side, and those who heard the answer returned on the other.

Q. What was the jut of the enquiry, in his opinion?

A. Most certainly, an imputed disobedience of orders, in Sir Hugh Palliser's not coming into the admiral's wake, when called upon to do so by signals and message.

The examination lasted nearly two hours. The above were the most material and leading questions put; and at six o'clock the witness was desired to withdraw.

The Lords who interrogated Mr. Jackson principally were the Dukes of Richmond, Manchester and Grafton, and the Lords Camden, Effingham, Fortescue and Ferrers.

As soon as the witness withdrew, the Duke of *Richmond* resumed his speech, and reprobated, in very strong terms, the idea of bringing Sir Hugh Palliser to a trial. He repeated his former argument, that it was not possible to do justice to that gentleman, or justice to the public, agreeably to the present plan of proceeding, and declared it looked as if the trial was intended to be a mere matter of form, a mock trial. His Grace said, he was the rather inclined to adopt the latter opinion, because he really considered the admiralty-board to be the instigators of the trial of Admiral Keppel, and when he summed up the account of the two proceedings, that against Mr. Keppel and that against Sir Hugh Palliser, he could not but see the strongest grounds to suspect a collusion in favour of the latter. He declared most solemnly, that he did not mean to urge any thing likely to encrease the danger of the last mentioned gentleman; that his real wishes were, that he should not be tried at all; that he saw no possible good

good either to him or to the public, that could result from his being tried; but that if he was to be tried, he ought to be tried fairly, and upon such grounds as were likely to procure real and substantial justice. He wished to remove every ground of suspicion, otherwise the public would be led to believe that the impending trial was merely set on foot in order to afford the admiralty new grounds for aspersing Mr. Keppel. He confessed he thought so ill of the admiralty, that he verily believed, though Sir Hugh Palliser had been instigated by them, to accuse Admiral Keppel, and had made himself their instrument, if he were found guilty upon the impending trial, they would suffer him to be executed without remorse. After pushing his argument on this head to a considerable extent, the Duke said, he had very hastily drawn up a motion, which he meant to submit to the consideration of the House. The hurry in which he had committed it to paper, rendered it less correct, and not so well adapted to the purpose as he could have wished; but such as it was, he would offer it to their Lordships' consideration, and hoped it would be favourably received, as it tended to shew that the House would not sanctify a proceeding apparently founded in gross injustice. His Grace then read his motion, which was as follows:

"That it is the opinion of this House, that it would be equally contrary to the principles of justice, and to every purpose of the intended prosecution, that Vice-Admiral Sir Hugh Palliser should be tried, as from the papers laid before this House it seems to be intended, without some specific charge being previously exhibited against him."

Lord *Le Despenser* said, he was a good deal concerned to hear the noble Duke in the absence of his noble friend, the first Lord of the admiralty, make a long speech against his Lordship, and at the end of it produce a motion, immediately tending to criminate the noble Earl. He mentioned the candour with which the Duke of Manchester had behaved the preceding evening, when applied to by the first Lord of the admiralty, to know if his intended motions concerned his department. That noble Duke declared they did not, and at the same time said, he never would move any thing tending to attack the office at which he presided, but in his presence. The proceeding of this day was the more uncandid and the more ungenerous, because, the noble Earl who was absent had yesterday professed himself to be exceedingly indisposed, and to be under the greatest distress of mind.

mind. That distress must necessarily be now encreased, as it was well known that the noble Earl's daughter-in-law, Lady Mary Hinchinbroke, had died that morning. His Lordship said, were there no objection to the motion but what he had mentioned, he should certainly vote against it, but he saw many other objections which during the noble Duke's speech struck him very forcibly, though his memory did not serve him to recollect them at present; it was needless however, even if he had them at command, to urge them, because he trusted the humanity of their Lordships would sufficiently induce them to negative the motion for the reasons he had first mentioned.

The Duke of *Richmond* declared, he felt himself greatly hurt at the noble Lord's applying the words uncandid and ungenerous to his conduct. He begged the noble Lord and the House to recollect what he said in the opening of his speech, and how much he lamented being obliged to agitate a matter which had reference to the board of admiralty in the absence of the first Lord. His Grace declared, he hoped it was no part of his character to make accusations against any person behind his back; and that he was forced to act as he had done that day, because the trial, to which his motion referred, was to take place in the holidays. He thought, he had fully removed even the most remote shadow of throwing such an uncandid aspersion on him, stating the ground of necessity for making the present motion, at the present time, to be because it could in fact be made at no other; nor did his motion throw the least personal censure on the noble Lord who was absent. It stated the impropriety of the mode adopted by the board, in bringing the vice-admiral to his trial; but went no further. He did not know by what title the board laid claim to infallibility. All the fatal consequences flowing from the first trial, had fully proved the contrary. They pretended to sanction the first trial, upon the grounds of usage and the authority of an act of Parliament, and afterwards when this law doctrine came to be examined it was clearly proved, and fully acknowledged by the law officers of the Crown, that the doctrine was false and erroneous. The board was proved fallible upon that occasion; had we any assurance, at present, that they might not again be fallible? He felt as much as any man, for the private distress, and family misfortune of the noble Earl, but he should be extremely unwilling, nor would ever consent to sacrifice the interests of his country, to a point of mere *ceremony*; and he would tell the noble Lord who spoke last, that

that he did not think, all circumstances considered, that it was consistent with the dignity of that assembly to hear it asserted, that the absence of any one member, in or out of office, was a sufficient reason for giving a negative to a motion, which could never again be revived, to any effectual purpose of prevention.

The Lord *Chancellor* replied to the noble Duke, that the motion was highly improper, and to accede it, would be to prejudge, and in fact controul the impending trial, and to assume a power which did not belong to any one branch of the legislature, much less to their Lordships. He began with declaring, his first object of rising, was to defend an absent man: that he thought it exceedingly improper in the noble Duke to assert, that the admiralty-board were the instigators of the conduct of Sir Hugh Palliser, respecting Admiral Keppel, when he had no proof of the foundation of the assertion, and especially when the noble Lord at the head of the admiralty-board was not present to defend himself, and reply to an insinuation extremely injurious, and extremely unwarrantable. He went over the ground of the whole business, and instanced the vice-admiral's express declaration, that he had consulted no person whatever relative to his urging his charge against Admiral Keppel, inferring from that, and from the conduct of the admiralty-board, that there was not a colour of suspicion of collusion on their part; and that every argument and every imputation of there having been collusion practised, was impossible to be proved, and of course extremely unjust. Having exceedingly laboured this point in his usual stile of legal metaphor, he said he believed he might call Sir Hugh Palliser an unhappy man, for surely if that epithet belonged to any person, it belonged to a gentleman so totally ruined as Sir Hugh Palliser was. He hoped, however, that the issue of the impending trial would shew, that the failure of the success of the action of the 27th of July was not imputable to any man, but arose from one of those unavoidable accidents, which military operations, both on sea and shore, are ever subject to. Sir Hugh Palliser was to be tried very shortly on a charge arising from what came out upon the trial of Mr. Keppel; ought not Sir Hugh Palliser to be sent to his trial in the most candid manner, unaccompanied with any prejudices, or any opinion of his conduct, tending to aggravate what might appear against him? Would any noble Lord say, that it either became their Lordships to prejudge him in any shape whatsoever, or come to a resolution

resolution implying prejudgment or crimination, or indeed interfere at all with a process which did not by any means in its present stage come under the cognizance of Parliament? A witness, if Mr. Jackson might be deemed a witness, had been called to their Lordships' bar, with a view to be examined to a particular point. Had the examination been confined to that point? On the contrary, had it not been extended to a most minute and circumstantial enquiry into a great variety of matters generally referable he allowed to the impending trial, but not in the least analogous to the matter respecting which alone Mr. Jackson had been called to the bar? Not that he meant to blame noble Lords for having extended the examination. He was perfectly aware that strict regularity must often give way to expediency, and in the present case he had not attempted to call the House to order, or to check the irregularity, because he had the satisfaction to see it tended to prove that the judge advocate, in whose hands a material part of the business lay, was a most intelligent and judicious gentleman. He had given his evidence (if he might so phrase it) distinctly, clearly, and in a manner which did him great credit, while it afforded the House abundant information and abundant satisfaction. Mr. Jackson had proved that it was not a new matter to send an officer to his trial without what the noble Duke in his speech and in his motion called a specific charge, and had explicitly declared that he knew a case where the charge, upon which a person accused was tried, was collected from the minutes of a court-martial who had sat upon the former trial. His Lordship asserted that the instances cited from the journals of the House of Commons, instead of supporting the noble Duke's argument, made against it; particularly that of Admiral Byng's case, which he had therefore been much surprized to hear quoted. He offered several reasons to prove that the House had no right to interpose its authority, on the present occasion, and even if it had, that there was no ground before the House for exercising that authority.

His Lordship concluded, with remarking in very severe terms, on an expression which fell from the noble Duke who made the motion, and who, with other gross accusations against the admiralty-board, he said, took upon him to assert, that if Sir Hugh Palliser should be found guilty, the admiralty-board would let him suffer without remorse. If the accusation was directed at the noble Lord, at the head of that board, which he had every right to think it was, he could say from *his own* knowledge, without desiring to pay a compliment to the

the noble Lord that his Lordship was infinitely superior to a conduct so black, so base, so diabolical.

Earl of *Mansfield* said, that the present motion was extremely improper to be adopted by their Lordships. He grounded his argument on two points; the one was, that the motion itself wanted foundation; the other, that if it were founded it would not be consonant with the forms of that House to interpose its authority in regard to the impending trial. With respect to the first, the charge against Sir Hugh Palliser was no less specific than the charge against Admiral Keppel, or the charge against Admiral Byng. The martial law differed most essentially from the common law; by the latter a specific charge was made out in the form of an indictment, and the party accused was tried upon a specific allegation of criminality. Courts martial, on the contrary, left off where the common law courts commenced their criminal processes. It was the duty and the practice of the courts martial to be ordered to enquire and try. They in consequence first went into an enquiry, the result of which enquiry formed the criminal charge, if any thing criminal came out, and upon that charge the court tried the party so criminated, and passed sentence accordingly. In Admiral Byng's case this matter was most clearly exemplified. The court-martial were ordered to enquire into the admiral's conduct, and try him upon it. There was no specific charge before them. They began their enquiry with taking evidence of his conduct at St. Helen's; his conduct in his passage to the Straits; his return to Gibraltar, and every circumstance relative to the whole of his operations, till he was superseded in his command. The court came to a great variety of resolutions, some not in the least criminal, others which went so far as to affect his life. Upon their very last resolution, the last of thirty-six, they founded their charge, and their sentence. The matter of law was referred to the twelve judges, who declared the whole proceeding to be perfectly legal.

He said, he had read the charge preferred against Admiral Keppel, and that when it was first laid on the table, he spoke only from mere recollection, but if he understood it right, there was no criminal charge contained in any one of the five articles; the only one which bore any appearance of specification, was worded so loosely, and drawn up so inaccurately, that the legal import, in point of effect, or as operating towards conviction, was entirely lost. He alluded to the admiral not doing *the* utmost, instead of *his* utmost, to take, sink, burn, and

and destroy, the fleet of the enemy; which, in fact, amounted to just nothing. No man ever did, or ever will do *the* utmost: Julius Cæsar, Alexander the Great, or Prince Ferdinand, never had done the utmost; nay, it was impossible for any commander to do *the* utmost.

Earl of *Bristol* said, he did not wish to enter fully into a debate which might lead him to the discussion of matters that were intended to be the subject of a future day. He perfectly coincided with the noble Duke, respecting his sentiments of the admiralty-board. It was not appearances, but facts, undeniable facts, that induced him to adopt these sentiments, which he was persuaded he should die in. The whole transaction presented the same countenance, in each of its respective stages. The want of confidence which Admiral Keppel experienced from the beginning, was exemplified in first sending him out with twenty ships against thirty, in order to disgace him in the eyes of the people, as his return into port was foreseen by those who sent him. The cool manner he was received on his arrival; the much cooler manner in which he was received on his second return, after the action of the 27th; the sending private thanks to the blue division, to be conveyed to the officers by the vice-admiral; and finally, the receiving the charge of an inferior officer against his superior, though the latter was known to have accused the inferior, in Parliament, of a disobedience of orders, to his face. If, however, any doubt remained respecting the real disposition of the admiralty-board, there were sufficient indications given by that board, after the admiral had been most honourably acquitted; the omitting that part of the sentence of acquittal which related to the malicious and ill-founded accusation brought against him, and likewise such parts of it as reflected honour on the conduct of the admiral, put the matter beyond question.

The same spirit and the same rancour marked the footsteps of ministers throughout the whole of the session; and the present attempt to asperse by inference the conduct of that gallant and able commander; was exactly correspondent with the whole of their precedent conduct; because, if Sir Hugh Palliser were acquitted, the conclusion they and their friends would draw from it would be, that if any fault was committed, it could not be fairly imputed to the vice-admiral of the blue.

His Lordship replied pretty fully to several of the observations which were made by the noble Earl who spoke last. He denied that his Lordship stated the affair of Mr. Byng accurately,

curately: he contended that Admiral Byng was sacrificed, in order to appease the nation, who had been artfully persuaded, that whenever a British Admiral miscarried it was always the fault of the commander. His Lordship insisted that officer was tried on a specific accusation, and that the British annals had not furnished a single precedent hitherto, of any naval officer having been brought to his trial, without at least giving him notice of the matter alledged against him, previous to his appearance in court.

The Duke of *Richmond* replied to the two law Lords. To the animadversions of the learned Lord on the woolsack, respecting the charges against the admiralty-board, his Grace affirmed, that he was fully warranted in what he said, and in pushing every charge he urged much farther. The learned Lord was extremely welcome to put any construction on his words they would bear; but he could not help observing on the occasion, that the noble Lord now absent from his place, was not much indebted to him for his laboured commentary. His Lordship had endeavoured to shew, or had rather asserted, that there were no proofs before the House that the admiralty-board had acted improperly; and though they had, that that House was not the fit place to discuss such a question.

To the first he should only answer, that the mode of proceeding was unprecedented, in the case now under consideration; and, secondly, that if the admiralty-board either improperly exercised the power vested in them, or neglected their duty, they were criminal, and as such, amenable to the controul and censure of either House of Parliament; of that house as well as the other. That House had an inquisitorial as well as judicial power; nor were the two jurisdictions at all incompatible: but the question here was neither inquisitorial nor judicial, but merely a proposition made to the House, upon facts, which were in proof at their Lordships' bar. It imputed no guilt, nor threw the least censure, directly nor implied, on Sir Hugh Palliser; it only went to condemn a mode of proceeding no less contrary to the established rules of legal process in such cases, than to equity and justice, for it involved one of these two things; the bringing a man to his trial, and keeping him totally in the dark respecting the accusation to be preferred against him; or, on the idea of a real trial was meant, under the mock forms of law, to let a criminal escape with impunity.

The learned Earl who spoke lately asserted, that no specific charge had been made against Admiral Byng. He was astonished to hear his Lordship, who was so well acquainted with the whole transaction, assert what he must, if his recollection had not failed him, have known to be the very contrary of what he had represented it. Admiral Byng, it is true, was generally charged with misconduct, from the minute he quitted St. Helen's till his return to Gibraltar from the action with M. Gallissonere; but why so?—Because he was specifically charged with a breach of his instructions. And how could the truth or falshood of that charge be ascertained, without going into a general enquiry into the whole operations at sea since his departure from St. Helen's.

He was ordered to repair to Gibraltar, and there take a regiment on board, for the reinforcement or relief of the fortress of Fort St. Philip. He might have never been able to leave the Channel; it might have come out in proof, that he purposely delayed his passage; he might have staid at Gibraltar too long; or, in short, in innumerable instances, he might through negligence or design, have broke his orders; which facts could never be ascertained or decided upon, till the whole conduct was enquired into, and known, from his leaving the land. The fact was, that part of his instructions were, to debark a force on some part of the island of Minorca. He did not, or could not, comply with those instructions; that failure of duty formed one specific charge against him: the other, that he did not do the utmost in his power to engage, defeat, burn, and destroy the enemy, was not a loose, general charge, but a specific one, confined to a particular transaction, upon a particular day, namely, the day and action in which he engaged the French fleet. Was then the enquiry, in the language of the learned Lord, an enquiry to know whether such an action happened on such a day? Or was it a specific accusation, presuming the premises, and upon that presumption, or indeed fact, for no one denied that the admiral had failed to do the utmost to burn, destroy, &c. so that the learned Lord's distinctions and deductions made against his arguments, according to every established rule of conclusion; for the charge of a breach of instructions, though general in its tenor, was specific in its object; and the other charge was as specific as it was possible for the mind of man to conceive, the question being solely, whether Admiral Byng had done the utmost to engage the enemy; if he had, he was called upon for his proofs; if he had not, then the affirmative must *be established.*

He

He was astonished to hear the learned Lord dwell so long on a circumstance, which if it carried any weight with it, made against his argument much more than for it, which was the distinction of *the* utmost and *his* utmost. The fact was, the learned Lord, by taking one part of the sentence, had hastily or designedly confounded the words; they were neither *the* utmost, nor *his* utmost, but *the utmost in his power*. Men of much less abilities than any of the great names the learned Lord had referred to, might perform the utmost in their power, though not the utmost. He was ready to agree with his Lordship, that neither Cæsar nor Prince Ferdinand ever did the utmost, but he nevertheless contended that every man, be his abilities ever so mean or slender, was equal to do the utmost in his power, which excluded every degree of censure, but what might be imputed to a want of zeal, or treachery, or cowardice. If then the utmost in a commander's power was no more than acting to the best of his skill and judgment, the negative of that imported cowardice or disaffection. and consequently subjected the criminal to a capital punisment.

To say, therefore, that the articles contained in Sir Hugh Palliser's charge against Mr. Keppel were loose and indefinite, amounted in fact to maintaining that cowardice or disaffection were not capital crimes. But even supposing, for argument's sake, that the charge now commented on was not of a capital nature, he would ask the noble Lord what was the direct charge contained in another of the five articles in which Admiral Keppel was accused for turning his back on the French fleet, and thereby disgracing the British flag? Was flying from the enemy, accompanying an assertion, that the admiral might and could have engaged the enemy to advantage, not a specific charge both in fact and construction? Did not such an accusation carry upon the very face of it a charge of cowardice, or disaffection, or both? He presumed, indeed, that the learned Lord had but a very faint memory of the charge on the table, else he never could have so confidently affirmed that running away from an inferior and beaten enemy was not an instance of the most abject cowardice or disaffection.

He was much surprised not to hear the learned Lord dwell more on the affair of Lestock and Mathews, because on that occasion there was a precedent enquiry, in the other House; but the learned Lord wished to avoid entering into particulars, for a very obvious reason; his Lordship knew that the enquiry went only to ascertain the fact of miscarriage, which

when the House was satisfied of, they ordered the parties to a court-martial, not upon loose, but upon defined and specific charges.

He said, this mode of proceeding was analogous to every other mode of proceeding adhered to in our code of criminal law. Whenever any man was accused, he was made acquainted with the nature of his offence, that he might be thereby enabled to prove his innocence, should that be the case; otherwise no person could be safe, however innocent; because, being ignorant of the nature of the charge, he could never be prepared, either in the way of direct proof, by confronting of witnesses, or the various modes which the law has provided for its discovery, to meet his accuser: this knowledge of the witnesses would signify very little, were he to be kept in the dark, as to the charge itself; but when in possession of the charge, and knowing who were to be the persons summoned to make it good, he had then every necessary means that innocence could desire for its justification.

Before his Grace sat down, he said, he could not pass over what had fallen from the noble Lord on the woolsack, that there was no proof before the House sufficient to justify the motion, and that the witness at the bar, so far from supporting the motion by any part of his evidence, had furnished the strongest proof, founded on precedent, in support of the present mode of proceeding, in respect of the lieutenant and boatswain who had been tried at Plymouth, the latter on the minutes taken on the trial of the former. So far as the precedent went, it carried with it some weight: but two things were observable; first that Mr. Jackson did not undertake to state the case exactly, with all its circumstances; secondly, the offence charged was of a very different nature from that of an accusation, such as the vice-admiral was accused of: but allowing the precedent its full force, the occasion, the tribunal, and the mode of conducting that trial, though it might furnish one instance of injustice, or rather illegal proceeding, for he thought the sentence, though not the mode of proceeding, a very proper one, was not a sufficient ground to depart from precedents much more applicable to the matter before the House, and of infinitely greater authority and importance.

Earl *Mansfield* made a very long reply to the noble Duke who spoke last. In proof that it was the practice of courts-martial to proceed loosely, his Lordship stated the peculiar nature of such modes of trial. He said, that for the sake of military discipline, they differed essentially from trials at common law. In the latter, a specific charge is given in

upon

upon oath to a grand jury, who must upon their consciences, and on the conviction of their reason, find the charge relevant before the process could go a step farther. In courts martial no charge on oath was made, and, except where the accuser was a private person, nothing like a specific charge was exhibited. In Sir Hugh Palliser's accusation of Mr. Keppel, the charge was not upon oath, neither was the charge specific. It was consonant to practice, and perfectly agreeable to usage, to order a court-martial to enquire and at the same try the person accused for other parts of his conduct, besides those actually referred to the court; the case was so in the affair of Mathews and Lestock, and more particularly in that of Admiral Byng; but there was a later case, which clearly and incontrovertibly proved what he said, the case of Mr. Brereton, captain of the Duke. The court were directed to try him for his conduct touching the business of July 27th. In the course of their enquiry, in order to found a charge, it appeared that he behaved improperly, by getting drunk the day before and the day after the battle: the court made that matter the charge, and grounded the sentence upon it, thereby depriving Captain Brereton of his command, not for behaving ill on the 27th of July, but for getting drunk on the 26th and 28th. His Lordship urged several other matters, in order to prove that though the court were directed to enquire into a particular fact, they were not thereby restrained from going into other circumstances: so that if the order for trial only related to what passed in the action, yet the court were at full liberty to go into the whole of Sir Hugh Palliser's conduct on the 28th, as well as in the action of the 27th of July.

Earl of *Bristol* replied to Earl Mansfield, and after declaring the learned Earl was mistaken in his account of Admiral Byng's trial, said, if military discipline depended on a violation of justice and freedom, away with such discipline! for it would be vain to expect that seamen, who had been for years esteemed the bulwark of this country, could do their country service, if they were made slaves of, or subjected to laws which were opposite to every principle of freedom and justice. His Lordship adverted to the articles of war, and having understood the Earl of Mansfield to have declared that he was concerned in framing the code of martial laws which he had spoken of, said, he hoped the learned Earl had no hand in framing the article which subjected officers on half pay to the same martial law and the same discipline which those in actual service necessarily were governed by: an article which he re-

membered created such a spirit of opposition in the navy officers, at the time that the code of laws was under the consideration of Parliament, as to obtain the omission of that article, strongly as it had been supported.

Earl of *Mansfield* desired to set the noble Earl right, by repeating what he had said early in the debate, that he had no hand in framing the law alluded to by his Lordship. All he meant to say was, that he was concerned in carrying them through Parliament, under the sanction and with the support of the late Duke of Cumberland and Lord Anson.

The Duke of *Richmond* said, Admiral Byng's case was truly a calamitous one, and the learned Lord who spoke last, could not soon, he believed, forget the part he acted in that business, were it not for something which fell from him this day, that indicated a total forgetfulness of the greatest part of that melancholy catastrophe. The noble Earl said that Cæsar, nor no other great captain or commander, had ever done the utmost, and yet the learned Lord, upon recollection, must remember that in the case of Admiral Byng, an act of the highest criminality was, at least by inference of law, affixed to a moral impossibility; that unfortunate gentleman was acquitted by his judges of cowardice and disaffection, and yet, nevertheless, was brought in guilty, for not doing the utmost to sink, burn, destroy, &c.

He would have imagined that the learned Earl had forgot the part he had acted in that business. Had his Lordship not mentioned the opinion of the twelve judges, who, he said, had been unanimous in their approbation of the sentence, at the head of which was the then chief justice of England? He would, therefore, recommend to his Lordship, to endeavour to reconcile the opinion of the twelve judges with that given this day by the learned Earl, and decide in his own mind, whether a charge under the same law in 1778, and framed in the same words, as to the article in question, was not a specific charge, sufficient to draw after it a capital punishment, when an officer of long and tried service suffered on a similar charge in 1757, and the sentence under which he suffered was confirmed by the opinion of the twelve judges. He remembered that though then but very young, he could not say but that affair made a very deep impression upon him, being present in the gallery of the other House, when several of the members desired a law, in order that they might be absolved from their oath of secrecy, for the purpose of submitting their doubts to the House, which being complied with, they

they accordingly did, but the question proposed involving in it a point of law, as he observed before, it was referred to the judges, with the chief justice at their head, who at length decided the fate of that devoted man, who had, in fact, fallen a sacrifice to ministerial timidity and court intrigue.

His Grace said, he was happy in having an opportunity of delivering his sentiments on the subject; and withdrew his motion, on a presumption, he said, that the object he wished to obtain would be the consequence of his agitating the question.

April 1.

This day there was an altercation upon a point of order on the Bishop of Landaff's bill for preventing adultery. The bill was at length committed to the 15th instant.

House adjourned to the 14th.

April 14.

Private business to the 20th.

April 20.

Enquiry into the management of Greenwich Hospital.

Captain *Baillie* was examined this day, relative to the sheeting, its quality, length, &c. and proved a very considerable deficiency in each pair. He informed the committee, that a Mr. Price, a linen-draper, then below the bar, could corroborate every thing he had said, as to the proper lengths of Russia sheeting, according to the nature of the fabrick.

The Duke of *Richmond* wished that Price might be examined, and accordingly moved that the House be resumed.

Mr. *Price* was then sworn, and the House again resolved itself into a committee, and he was examined to the lengths of the pieces of sheeting, which, he said, ought to be thirty long ells, or about thirty-seven yards and a half English measure; the consequence of which was, that the number of pair of sheets cut out did not correspond with the given lengths.

Captain *Baillie* was examined as to the fraud in the weight of meat served in the dinner portions to the pensioners. The allowance was pound pieces, weighing 16 ounces; the portions lately were reduced to 14 ounces. He added several particulars relative to the informations moved against him by the directors in the court of King's-Bench, and that at the suit of the very persons whose duty it was, from their rank and situations in the hospital, to redress the grievances complained of.

Mr. *Everist*, the solicitor, was called to this point. He said, he received his instructions to proceed against Captain Baillie. Said he had been employed by several of the civil

officers and directors, who looked upon themselves injuriously treated in Captain Baillie's publication, which they deemed a libel. Desired to name them. Reverend Mr. Cooke, chaplain, Mr. Stuart, the surveyor, Mr. Ibbetson, &c. Asked if none of the directors had made themselves parties? Said, he supposed some of them were. He expected to be paid by those who had been libelled, whether officers or directors. Asked, if some of those libelled were not the persons to whom Captain Baillie's complaints were finally referred to be determined upon? Said, he believed so. Asked, if some of them did not form the general court, where a representation was framed for Captain Baillie's dismission? Most certainly.

[*Witness ordered to withdraw.*

At half after four, Mr. *Le Fevre*, a lieutenant in the navy, was called to the bar; desired to inform the committee, what he knew relative to the management of Greenwich Hospital.

He entered into a narrative of a conversation which passed between him and the reverend Mr. Cooke.

[*Interrupted by several Lords.*

A short debate. Witness ordered to withdraw.

Debate continued.

The witness ordered in and desired to confine himself to answers, but the Duke of Richmond, though he acquiesced for the present, seemed determined to bring on the same question in another shape.

Q. Whether the witness had any conversation with the reverend Mr. Cooke, relative to the affairs of Greenwich Hospital?

A. He had several.

Q. Did he recollect any thing which passed in the course of those conversations?

A. He did.

[*He was again interrupted, and ordered to withdraw.*

Called in.

Q. Did he recollect, that Mr. Cooke frequently desired him to have nothing to say to the lieutenant-governor?

A. He did; and that at the same time he added, if he should persist to countenance Captain Baillie, Lord Sandwich would most certainly mark him, or any person who should even correspond with captain Baillie.

While the witness was delivering his testimony, the Earl of *Denbigh* came down from the woolsacks to the bar, and in a low voice, with certain gestures accompanying it, three or four times, desired the witness to confine himself to the questions that were put to him. The witness proceeding, his Lordship

ship said, in a tolerable audible voice, if he did not attend to what he said, he would certainly interrupt him.

The witness not attending to what his Lordship said, the Earl of *Denbigh* rose to object to the receiving any kind of evidence but what contained a specific answer to the question propounded from the woolsack. [*Witness ordered to withdraw.*

The Duke of *Richmond* rose, to complain of the very disorderly and indecent manner the noble Lord had conducted himself during the examination; who not satisfied with going down to the bar, and looking the witness almost through, endeavoured to intimidate him with a kind of private conversation, mixed with threats. His Grace observed, that if such things were permitted, the enquiry was at an end. No witness under such circumstances would or could attend to the evidence he gave; because, though seemingly under the protection of the House, he was open to private and public insult.

Earl of *Denbigh* denied that he had any intention of intimidating the witness, but acknowledged, that he told him he would interrupt him if he deviated from the question.

The Duke of *Richmond*, in reply, observed, that it was contrary to all order, as well as highly indecent and unbecoming any member of that House, acting in the capacity of a judge, to offer to direct a witness giving evidence at the bar. He contended, that the conversation the noble Earl endeavoured to hold with Mr. Le Fevre, was of a private nature, and was done to intimidate; that no noble Lord had a right to hold converse with a person under examination; and if he did not immediately desist, and retract the assertion he had made, he would, for the honour of the House, and in order to preserve the regularity of their Lordships' proceedings, frame a question, and take the sense of the House upon it.

After an altercation, in which several direct contradictions took place, the Duke of Richmond affirmed, and appealed to their Lordships, whether what the noble Lord acknowledged did not amount to a confession of the disorder imputed to him?

The *Lord Chancellor* said, it was very true, that every question should, according to the rigid forms of the House, come directly from the woolsack to the witness, it being the medium of communication between the noble Lord the examinant, and the person examined; but that form was frequently dispensed with for the greater dispatch, he believed, oftener than it was adhered to: but certainly, if the noble Duke

Duke insisted upon it, in point of order it must be complied with.

Earl of *Denbigh* said, that was what he intended to have done; that it was every day's practice; and why he departed from the rule was, because he wished to avoid trouble and delay, and of which the noble Duke himself had given a specimen.

The Duke of *Richmond* observed, that the matter of complaint stated by him was totally different from that species of disorder described by the noble Lord on the woolsack, and the noble Earl. The one was a question put to the witness directly, which both the noble Lords confessed was contrary to order: but that had no relation to the subject he rose to speak to. There was no question put here, but threats used to intimidate, or motives urged to the witness to suppress his testimony, or to prevent him from pursuing what appeared to him the most proper mode of disclosing the truth.

When a noble Lord propounded a question, he propounded it openly, in the hearing of every noble Lord present. The question and answer was taken down by the short-hand writer at the bar. It was therefore never presumed, because the question did not come regularly through the woolsack, that it might or ought not. The contrary was evident, and the truth was, that whenever such a mode of examination was permitted, it was a kind of tacit suspension of the standing order and customary mode of proceeding. Was that the case here? Was there a colour, or shadow of custom, order or precedent, to support the present case, which consisted of neither question nor answer, but direct threats; or, if the noble Lord chose a milder term, a kind of disorderly advice? On the contrary, was it not a conversation attempted to be opened with the witness, and not an examination of him?

After some apology from the Earl of Denbigh, the witness was called in.

Q. Had the witness any conversation with Mr. Cooke?

A. He had several: more than one; two at least he could remember; and he believed he had many more. The first of these was in the summer, 1777, and the other in April, 1778. They were both of the same tendency; but in 1778, when Mr. Cooke found that he (the witness) had not followed his former advice, that of declining all intimacy, or even intercourse, with Captain Baillie, Cooke swore a round oath;—[*Desired to repeat it*[—By God! that in consequence of his obstinate perseverance, in respect of Captain Baillie,

Lord

Lord Sandwich would stop his preferment. [*Ordered to withdraw.*

Earl of *Chesterfield* said, that the present being an enquiry into the conduct of the noble Lord at the head of the admiralty, whose name was mentioned in the conversation related at the bar, which if received as evidence might affect his Lordship; but as hearsay was no evidence, he submitted it to their Lordships, whether a conversation between two persons was such a species of proof as ought to be received, when it tended to criminate a third person. He therefore contended, that the witness ought to be restrained to the relation of facts within his own knowledge; for what one person reported that another person said, could never be received as evidence in a court of justice.

The *Lord Chancellor* declared himself of the same opinion, and said, it was impossible that a conversation of what Lord Sandwich had said, not to the witness, but to another person, could be fairly brought home to the noble Lord.

Here a most complex debate, much involved in law, commenced; several attempts were made to simplify the point in contest, but the question of law perpetually recurred and forced itself into discussion.

At length, Lord *Mansfield*, after some consultation with the other two law Lords [the Lord Chancellor and Lord Bathurst] framed the following motion, in order to take the sense of the House.

"That it be resolved, that the name of John Earl of Sandwich be not mentioned by the witness at the bar [Le Fevre] in his evidence of a conversation with any other person, of what the said person informed him, the said Earl had said."

To this resolution the Duke of *Richmond* moved the following amendment, "In order to intimidate the said witness."

This amendment, involving in it a direct negative to the resolution moved by the learned Lord, caused a most important debate, upon which the question of law re-commenced.

Earl of *Mansfield* contended, that it was repugnant to every principle of legal evidence, to admit hearsay testimony, which in its consequences might or could affect a third person. Although he did not consider the present enquiry as specifically or exclusively directed against the first lord of the admiralty, yet considering his Lordship as one person charged among many others, the matter substantially came to the same point. It was well known, that in proceedings upon indictments, where

where several persons were charged, no evidence of a criminal act committed by one of the parties was received as evidence against any other. Lord Sandwich and Mr. Cooke stood exactly in the same predicament with persons so indicted; consequently, no proof of what Cooke said, ought to be admitted, or ought to be received, as evidence of the criminal interference of the noble Lord.

Lord *Camden* acknowledged the principle laid down as a general one, but begged leave to point out where the two cases were dissimilar: for upon the noble and learned Lord's own argument, which supposed that Lord Sandwich and Mr. Cooke appeared in the case before their Lordships as parties equally criminal, and partaking precisely of the situation of persons charged on an indictment, the learned Lord must acknowledge, that they were not trying for the same offence; Mr. Cooke might be convicted of the charge now made; would that affect the Earl of Sandwich? God forbid! The evidence of what Cooke said to Le Fevre, was no evidence to affect Lord Sandwich, or any person on earth but Cooke.

Suppose it should some out in proof against Cooke, that Lord Sandwich never told Cooke, that he would mark Le Fevre, and take care to stop his preferment, which he hoped and believed would turn out to be the truth, how could the present testimony affect his Lordship? When, perhaps, instead of fixing a shadow of guilt upon him, it might, upon a full and proper investigation, turn out to be no more than a slander invented by Cooke against an innocent man, in order thereby to effect the removal of Captain Baillie from his office in the hospital; and by thus gratifying his own resentments, avenge himself upon a person who had rendered himself obnoxious to him.

The very slander was an act of a criminal nature in Cooke, because it reflected highly upon the conduct of the noble Lord, who was supposed to have authorized the threat, by some previous communication or direction. It was done with a view to prevent Le Fevre from shewing any countenance to Captain Baillie; and by extending or propagating this criminal influence through the hospital, was directed to effect either the voluntary resignation of Captain Baillie, by being thus rendered obnoxious to all those with whom he communicated, or was connected with; or to induce him to permit those abuses to pass unnoticed, in future, which he had already set his face against.

But independent of these observations, he would meet the *learned* and noble Lord fairly upon his own ground, and his own

own state of the question, that of analogy, in respect to indictments at the common law, and upon which his Lordship seemed so confidently to rely. He would agree, that Lord Sandwich, as first commissioner of the admiralty, might appear to have been guilty of some acts of mismanagement, relative to the government of Greenwich Hospital, or of none; so might Mr. Cooke, as far as his power extended, by an improper interference, by disgracing his function as a clergyman, or he might not. One of them might be proved innocent, and not the other; consequently the case stated by the learned Lord, if it applied at all, contradicted the conclusion drawn by his Lordship; or if it did not, no argument at all could be raised upon it.

He would, however, put a case to the learned Lord before he sat down, which must apply: suppose that several persons included in the same indictment, and charged with several specific offences; might not evidence be competently given and received, of a criminal act committed by one of the parties, though it amounted to hearsay only, respecting another charged with a different species of offence. The learned Lord must acknowledge it. He must know, it would serve to convict the party legally and specifically charged; he must know, it could not affect the person not charged with that species of offence; for though a charge against one man, could neither in law, justice, or common sense, be deemed a charge against another; a guilty person could never object to the evidence of his own guit, upon the pretence, that the proof of it involved in it an hearsay evidence of what another person had done or said, which, of course, did not amount to legal proof.

The Lord *Chancellor* spoke two or three times in the above debate; his principal view was to establish the two following propositions:

That the enquiry amounted to a specific charge against Lord Sandwich; and if taken as a general charge against all those concerned in the management of Greenwich Hospital, every particular part of it applied generally against every person concerned, consequently, whether the enquiry was generally or individually directed, the evidence was indivisible; that is, every part of the testimony given at the bar was evidence of misconduct of Lord Sandwich; or if it was not, it affected him as one of the parties accused.

To prove his first proposition, he quoted Captain Baillie's book on the table, which charged Lord Sandwich, in direct terms,

terms, with corruption. To prove the second, he presumed that the permitting those mismanagements to continue, amounted to a failure of duty, in not putting a stop to them, and of course, if proved, would ultimately reach the noble Lord.

Earl of *Sandwich* said, he had been charged with corruption; that he looked upon the enquiry as totally personal against him; that he wished the witness might be permitted to proceed, because he was conscious of the injustice and falsity of the charge: but he should be sorry that any convenience or desire of his should be preferred to the order and established mode of proceeding of that House.

Lord *Camden* said, the present motion, if carried, would amount to a real dissolution of the committee, even upon the arguments of the noble Lords who framed and supported it. The present, say the noble Lords, is an enquiry into the conduct of the Earl of Sandwich, charging him with manifest corruption in the exercise of a public trust of very great consequence. What will be the manifest effect of this motion? That you may sit here till the dog-days, to hear the examination of witnesses, to hear complaints and charges made against any person, or every person, but the conduct of the noble Lord into which you are convened to enquire. I only repeat this, to shew the manifest absurdities people are drove to adopt, when they want to effect purposes upon principles which directly militate against them; for I am perfectly satisfied that the present enquiry contains no single specific charge against any man, so as to produce conviction or condemnation. The event of it, I acknowledge, may afford matter proper to found a criminal proceeding upon; but in the first instance, I affirm as a member of this House, and a lawyer, that it cannot produce any issue, which may immediately affect either the noble Lord, or any other of the parties.

But even if it did, I will follow that assertion with another, that evidence of what another person said, that Lord Sandwich said, can never reach nor affect that noble Lord in the most distant degree. It is but hearsay evidence at the best. It can only affect Mr. Cooke, if not disproved; and if ten or ten thousand witnesses, one after another, came to your Lordships' bar, to confirm the testimony of what Mr. Le Fevre heard Mr. Cooke say that Lord Sandwich had told him, it would not, it could not, weigh a feather with your Lordships. If it could not, the conclusion is direct and inevitable,

ble, that the mentioning Lord Sandwich's name, as it cannot affect in the most remote degree that noble Lord, so it is absolutely necessary that his Lordship's name should be mentioned, as directly and circumstantially necessary to prove the means of intimidation made use of by Cooke, to deter the witness from shewing any countenance to Captain Baillie. Once for all, I say, truth and justice oblige your Lordships to believe the noble Lord innocent of the expressions imputed to him; you are bound as judges to believe his Lordship innocent, till you have received proof to the contrary, and heard his defence; and, having no proof to the contrary, from the evidence objected to, you have no right whatever to refuse a species of evidence, totally applicable and exclusively so to another person, which will certainly be the case should the present motion be carried.

The question was put, and carried by a majority of forty-six to nineteen.

Witness called in.

Duke of *Richmond* moved, that the resolution now carried be read and delivered to the witness, and that he be informed that he may answer any question, so that he does not mention the name of the Earl of Sandwich.

This was strongly opposed, as unnecessary and unprecedented; the reading of the motion was sufficient; and no instance was ever known of a witness at the bar being permitted to have any of the documents of the House in his possession. A very interesting debate ensued, and the noble Duke's motion was negatived by a majority of 44 to 15.

[*Witness called in, and the three or four last questions and answers read.*

Asked, Who was the person that Cooke told him would mark all who were found to speak to, or correspond with, Captain Baillie?

A. A nobleman in high office.

Q. Who was that nobleman?

He was desired by the Duke of Richmond to attend to the resolution, which had been read to him.

The witness said, he knew the terms of the resolution, and he would wish to be informed by the House in what manner he should answer that question, he being on his oath.

[*House remained silent.*

Q. Who was that nobleman mentioned by Mr. Cooke?

[*Ordered to withdraw.*

Here

Here a debate ensued. Earl of *Sandwich* said, he wished most heartily that the resolution had not been made; and if there was any way of getting rid of it, he should be extremely glad to adopt it. He complained greatly of the conduct of noble Lords on the other side, who, in order to harrass and tire the House, started debates upon every trifling occasion. They wished, he said, to put the enquiry off till the very close of the session, to preclude him from a defence; and lamented, that the enquiry had not at the beginning been so constituted as to have admitted him to make his defence to every different species of charge, as they were brought forward.

Duke of *Richmond* disclaimed any intention of procrastination or delay; observed that it was not a very pleasant task on his part: that the charge of delay lay much more justly against the noble Earl and his friends, than on those on his side of the House. He acknowledged, indeed, that he had fortunately laid a temptation, which they had caught at; that they now found they were in a situation from which they could not extricate themselves; that the noble Lord's affected sorrow might easily be accounted for. He voted for the question, on the division, when he might have prevented it. He now lamented that it had ever passed, and recommended to have it rescinded or dispensed with, when he knew, by the orders of the House, that it was totally impracticable. His Grace spoke for some time in this strain, and was very severe on the noble Earl. A very considerable pause now ensued; several methods were proposed to get rid of the difficulty: the witness was at length called in.

Asked, What nobleman?

A. A noble Lord in high office.

The Duke of Richmond seemed contented, but the Duke of *Bolton*, as he was retiring from the bar, asked him,

Had he any other conversation with Mr. Cooke?

A. Several; but one, in particular, so late as April, 1778.

He then proceeded to give the following narrative: That in that month, Cooke having had frequent conversations in the preceding months of January and February, told him, that his conduct respecting Captain Baillie had put a stop to all prospect of future promotion. This was just before he sailed, as lieutenant of the America; and he was told the same thing by a noble Lord, then captain of that ship, when he got on board.

Q. Who

Q. Who was the person meant, that would stop his preferment?

A. A noble person.

Desired to name him.

Another debate, on a motion of Lord Mountford's, that the witness should not be desired to answer that question; contents 43, non-contents 15.

Witness called in.

He proceeded to inform the committee, that he had frequently waited upon the first Lord of the admiralty, in the course of the spring, four or five times, but was never admitted to an audience of him; that he afterwards, when at Portsmouth, attempted to speak to the noble Lord, who gave him no answer, but turned his back upon him; that he applied to him for his favour and protection, but that he could receive no answer, more than that his Lordship said, "He had a very good opinion of him:" and, on pressing his Lordship to give him a direct answer, the noble Lord answered, "He would give no other, if he stayed there for twelve months."

Asked, Why he applied to the noble Lord, when he knew his Lordship was determined to stop him from all future preferment?

A. He was advised to it by his friends.

Desired to say by whom?

A. By his captain.

Q. Who was the captain of the America?

A. Lord Longford.

Q. Was he still in the navy?

A. No; he (the witness) had resigned his commission, because he knew he had no chance of preferment, on account of the offence he had given to a noble Lord in high office.

April 21.

Greenwich Hospital enquiry.

Captain *Baillie* was called to the bar. He told their Lordships, that he sent a copy of his book in March, 1778, to Lord Sandwich, accompanied with a letter; that the letter had been moved for by the House, but was not upon the table; that he had brought a copy of it with him, in case the committee chose to have it read.

The proposition being agreed to, the letter was delivered up and read by the clerk at the table; it purported to be an address to the noble Earl at the head of the admiralty, remonstrating with his Lordship on the deaf ear that had been

turned to the various complaints of mismanagement and abuse in the government, &c. of Greenwich Hospital, which had before been made to the admiralty-board; that the enclosed case stated circumstantially, what the several grounds of complaint were; intimating that the sender of it hoped the Earl would be stimulated from a perusal of the case to set himself heartily and seriously about an enquiry, with a view to promote reformation, and declaring, that if proper notice was not taken of the matter, the writer of the letter would not stop, but would go still further, though he gave up all idea of a parliamentary application.

Captain Baillie said, he had sent this letter to the noble Earl individually, rather than to the board of admiralty, because he thought it more becoming him to address Lord Sandwich singly on the subject, than to expose the internal government of the hospital, and the various frauds and abuses complained of to the board at large. That in consequence of the letter, he waited on the noble Lord at the admiralty-office, who received him in a very different manner from what he expected; that his Lordship behaved to him with great coolness, and, as he imagined there was an intention of examining him when he had no friend present, he made his bow and went away. That afterwards the reverend Mr. Cooke carried a paper about the hospital, containing a complaint against him: encouraging or offering encouragement to such persons as he applied to to sign the paper. That an attempt was made to get the council of the hospital to warrant a complaint against him for printing the case. That Captain Maplesden, the present lieutenant-governor, took the book from under his coat at the council, and endeavoured to obtain the sanction of the council for a formal complaint against him as the author of it, but that the attempt failed. That the case (for it was not a book) so produced, he was very certain was the identical case which he had sent to the Earl of Sandwich. That Captain Maplesden knew nothing of the case, at the time he produced it to the council, for he could not have known of it before the reverend Mr. Cooke brought it from London, and delivered it to him. That at length a puny general court was convened, in order to have it submitted to them, what should be done respecting the book. That it was not such a general court as he had wished; that Mr. Ibbetson had once, on his own suggestion, summoned by public advertisement in the Gazette, a full general court, to elect a new steward to the

the hospital; that he humbly conceived the determination to enquire whether the finest and noblest charity in the world was well or ill managed, abused or not abused, was a matter of infinitely more importance, than the election of a steward to the hospital, and therefore he had hoped, that as much pains would be taken to assemble an impartial general court to take his case, stating such a variety of criminal charges into consideration, as had evidently been bestowed on the former occasion. That on the 14th of April, 1778, the general court, consisting of six Lords of the admiralty, Mr. Stephens their secretary, the governor of the hospital, three commissioners of the navy, the lieutenant-governor [Captain Baillie] and thirteen directors, met.

The Duke of Richmond stopped Captain Baillie here, and desired that Mr. Ibbetson might read the minutes of the general court of the 14th of April.

Mr. *Ibbetson* came to the bar, and read as follows:

"At a general court of the commissioners and governors of Greenwich Hospital, which was held at the admiralty, on Tuesday the 14th of April, 1778,

"Lord Sandwich informed the court, that he had called them together, in order to lay before them a letter which the secretary to the admiralty had received from Captain Baillie, lieutenant-governor of Greenwich Hospital, dated the 26th of last month, together with a printed book, which accompanied it, entitled "The Case of the Royal Hospital for Seamen at Greenwich," as also several applications from the board of directors, the officers of the council, the principal civil officers, and great numbers of the clerks and under officers (who conceive themselves greatly traduced and injured by the charges contained in the said book) desiring redress; all which papers were read, and Mr. Brett and Mr. Barker (two of the directors who were not present when the application from that board was signed) declared their full concurrence in every thing set forth therein, and the secretary read to the court a letter which he had received from Mr. Eden, another of the directors, representing, that it would not be in his power to attend the present meeting, as he was to leave London yesterday; but that, having read Captain Baillie's performance, he was satisfied, that it was improper and unwarrantable in every respect; and that he should be very glad to hear that the general court was disposed to proceed accordingly.

"Captain Baillie, who was present, acknowledged himself to be the author of the above-mentioned case; at the same time insisting, that it was not a book, but a memorial.

Great part of the said case was then read, particularly such of it as more immediately reflected upon the proceedings of the directors and their secretary.

"Mr. Cust then moved, that a committee might be appointed to investigate the grounds of the charges contained in the said printed book, and the court being of opinion that it would be a very proper measure, Captain Baillie was desired to name seven of the most independent directors to form a committee for that purpose, which he declined. Lord Sandwich then took a list of the directors, and having put down the names of the following gentlemen, viz. Sir M. Burrell, Mr. Fonnereau, Mr. Cust, Mr. Savary, Mr. Barker, Mr. Wells, Mr. James, Mr. Reynolds.

"Captain Baillie was asked, if he had any objection to them, or to any of them; to which he declined giving any other answer, than that he disapproved of the mode: it was then

Resolved, That the above-mentioned gentlemen, except Mr. Fonnereau, who desired to be excused on account of his ill health, should be a committee (of whom three to be a quorum) to investigate the grounds of the several charges contained in the above-mentioned book; and they were desired to proceed upon the business with all convenient dispatch, at such times and places, as they should think most proper for the purpose; and when they had compleated such investigation, to let the Lords of the admiralty know it, that another general court might be called, to receive their report."

Captain Baillie went on, and stated, that the reason of his objecting to the committee as nominated by the noble Lord, and approved at the general court, was, that they were directors, men accused by him of neglect of duty, and therefore such a tribunal as he did not consider competent to judge at all, not being likely to judge impartially in their own cause. He said, he had hoped that some of those high personages who were commissioners, and above all possible influence, would have been summoned to the court, and would, with an unbiassed eye, have seen the magnitude of the object in its true light, and paid it that attention which its real importance required. That he was so conscious of the justness of the cause he had undertaken, and upon which *he had risqued* his honour, his reputation, and his income, that

that he had no fear to submit it fully to the inquisition of any court legally constituted, and free from prejudice.

Being asked to give some account of the conduct of the committee of enquiry, and in what points they appeared to him not to do justice,

Captain Baillie said, they sat on seven different days for two or three hours each; that it was impossible to recollect all their proceedings; that the chief of the things he had to complain of were, that without the smallest intimation to him, they brought down Mr. Morgan, a counsel, who not only brow-beat him and his evidence, but turned the tables upon him, and instead of suffering it to be an enquiry into the truth of the several charges alledged in his case, converted the business of the court into a trial of him, upon the complaints of Mr. Cooke, Mr. Stuart, Mr. Ibbetson, Mr. Mylne, Mr. Godby, and other officers of the hospital. That not content with this violent alteration of the plan of proceedings, Mr. Morgan adopted a mode of arrangement of his own, and agitated each question as he thought proper, but in such a manner, that it was morally impossible to guess what was the point next to be enquired into, or for him to be provided with the necessary evidence to support it, although, had he known when such and such points were to be taken under consideration, he could have brought abundant testimony to prove each,

Captain Baillie complained also, that he had been treated with great rudeness during the sitting of the committee; that he had been given the lie direct by one person, and called a black-guard by another. He declared, however, that it was impossible for him to speak to each particular, and, therefore, with the leave of their Lordships, he would refer them for their better information, respecting the conduct of the committee, to a letter dated August 12, 1778, which he sent to the general court, convened to receive the report of the committee of enquiry, to which general court he was not summoned, neither had he any notice of its being about to be held, till a very few days before it was held, when he accidentally heard of it.

This letter was produced, and Captain Baillie read it at the bar. It was a long, but a clear, sensible, and powerful composition, stating in very forcible points of view, every matter which the captain had to complain of in the conduct of the court of enquiry, and respecting the conduct of the servants of the hospital, Among other facts, it alledged, that

the court was incompetent in itself, that it was grossly partial in its conduct, and that the court had refused to enquire into several of the particular charges stated by Captain Baillie, and pressed by him as necessary to be investigated. It mentioned also the airs of Mr. Morgan, whom it stated to have assumed the entire direction of the enquiry, and to have declared in some points, that he would not let the witnesses answer, on the plea that his clients should not give evidence against themselves; on others, where strong evidence was offered, that it was too soon to be admitted, and on others again, that it was offered too late. It further declared, that this short-hand writer was turned out of the room, and not suffered to take minutes; that the clerk of the works struck an officer; that a boatswain of the hospital was discharged from his place, for not pulling off his hat often enough to the reverend Mr. Cooke, and a great variety of other matters of complaint.

Upon the cross-examination of Captain Baillie, Lord Chesterfield asked him, how he knew that the reverend Mr. Cooke offered encouragement to those who would sign the paper of complaint against him?

Captain Baillie answered, he was told so, by those whom the reverend Mr. Cooke spoke to on the occasion, and declared that Mr. Cooke gave them to understand, Lord Sandwich would be pleased if they signed the paper.

Being questioned, as to his knowledge of any gratification being given to those who acted against him,

Captain Baillie said, he believed he could give one instance, and that was, the son of the clerk of the committee of enquiry, Mr. Cook, (not the reverend Mr. Cooke) had been made a lieutenant in the navy, although he had been only three years at sea: this favour he considered as a reward for his father's services as clerk to the committee.

Lord Sandwich asked Captain Baillie, if he would undertake to say from his own knowledge, that Mr. Cook had been made a lieutenant without having been six years at sea, according to act of Parliament, and upon what authority he took upon him to say, that his being made a lieutenant was a reward for his father's services, as clerk to the committee of enquiry?

Captain Baillie said, he supposed it was a reward for his father's services; that he understood the young man was not above seventeen years of age, whereas a lieutenant ought to be twenty, and he knew he had not been much above three years

years at sea, though, perhaps, he might have been borne on the books of a yacht in the river.

Lord *Sandwich* informed the committee, that it was an invariable rule in the navy, never to promote a midshipman to a lieutenancy, till he had been six years at sea; that if Mr. Cook had been part of his time on the books of a yacht, it was just the same as if he had been borne upon the books of a first rate. That it was a common practice in the navy; that there was not the smallest irregularity in the preferment of Mr. Cook; and even if there were, it lay at the door of the examiners, as every person made a lieutenant was examined as to his age and time he had been in the service, and was not promoted, till he produced a warranted certificate of his qualification.

Captain Baillie, upon further questioning, said, that possibly the young man might be older than seventeen, but that he had never heard of a person being made a lieutenant who had only been three years in actual service at sea.

Mr. *Cowley* was next called to the bar, and examined as to what he knew of the conduct of the committee. He stated, that he was a stationer by profession, a friend of Captain Baillie, and no otherwise acquainted with the law than incidentally, and as other men of observation were, who had not been bred to the profession. That he had attended the whole enquiry as the adviser of Captain Baillie. That he never saw any business conducted in a more uncandid or unfair manner. That the sort of conduct adopted was the daily and repeated subject of altercation between Captain Baillie and the court. That Mr. Morgan had, as it were, an entire influence over the court. That he managed the enquiry just as he pleased; that he took upon him to arrange the order of investigating the charges, and agitated such only as he thought proper. That the charge respecting landmen being in the hospital, which was the great ground and master-spring of all the rest, was never once touched upon, Mr. Morgan saying, the court were not to enquire into that point; that they were not competent to decide upon it, although it might probably be the object of parliamentary investigation. That no one member of the court was present the whole successive seven days. That Sir Meyrick Burrell attended one day, and the enquiry suffered much from his not attending oftener, as he appeared to be less inflamed against Captain Baillie than any of the other members, who were in too angry a temper with Captain Baillie, to judge of the charges stated in his case, with

that unruffled and serene tone of mind which became an inquest. That the day Sir Meyrick Burrell was present, it was proved, that upwards of a thousand yards of linen were deficient in the sheets and shirts of the pensioners, not one of which was equal to what the steward had himself expressly declared to be the standard of the hospital. That Mr. Cust, who presided six of the seven days, had given Captain Baillie a promise, that when Mr. Morgan had gone through his list of charges, he should be heard fully. That on the seventh day, Mr. Barker came down and took the chair; that he behaved the whole day with vehement passion and violent rudeness. That Mr. Le Fevre, who was brought by Captain Baillie as a witness, was in a very harsh manner told he should not be heard, and that the declaration of Mr. Le Fevre's father, respecting Captain Baillie (though made on his death-bed) was refused to be suffered to be delivered and read. That when the court attempted to examine a witness, respecting the reverend Mr. Cooke, Mr. Morgan told the court, he was instructed to say, that the Earl of Sandwich desired they would not touch upon any matter respecting him, as he would take care of that himself. That the promise made by Mr. Cust was never kept; that Captain Baillie in vain attempted to have several material charges, or what he thought material charges, enquired into; that he could not get the court to view the infirmary, though within one hundred or one hundred and fifty yards of the place where the court sat; and that almost every day's enquiry afforded a fresh proof of Mr. Morgan's undue influence, and Mr. Baillie's vain efforts to be heard fairly. Mr. Cowley concluded with declaring, that the seventh day was a day of continual altercation, and that Mr. Barker on that day put a sudden end to the enquiry.

In corroboration of what Mr. Cowley said, he frequently referred to minutes of what passed at the committee of the enquiry, drawn up immediately while the committee were sitting, by Captain Baillie and himself. In the course of his examination, he declared, that he was convinced, from his own knowledge, that Captain Baillie had acted more like a parent to the pensioners, than their superior and commander, and that he had nothing so much at heart as their interest and comfort. That his constant argument about the money expended in new embellishments of the hospital was, that before farther sums were spent in making a building finer, which was already too fine for its purpose, it would be right to

to take care that those who lived in it were well fed and well cloathed, and rendered happy.

No other Lords spoke to Mr. Cowley as cross-examiners but Lord Sandwich and Lord Mansfield, both of whose questions he answered explicitly, and referred to Mr. Morgan and Mr. Cust, as persons who, he doubted not, would corroborate what he said, though he had in the course of his evidence complained of the conduct of each.

Mr. *Le Fevre* was called to corroborate the fact of his being refused to be heard as an evidence against the reverend Mr. Cooke, which he did in very direct terms.

John Rapley, a pensioner, confirmed the charge of the bad washing, and spoke to several other assertions. He gave an honest eulogium on Captain Baillie, declaring he was rather the father of the pensioners, than their governor; that he was a seaman's friend, and wished to do all the pensioners justice.

Captain *Allwright* stated, that he was not fully heard before the committee of enquiry, and declared, that the deceased Mr. Le Fevre's declaration was put into his hand by Captain Baillie, and twice carried by him to the committee of enquiry, but that they would not suffer it to be read.

Mr. *Cowley* was called again to authenticate the declaration. He said, he attended Mr. Le Fevre on his death-bed; that he had a long conversation with him respecting Captain Baillie; that at his desire he drew up from his words a paper, containing his opinion of the lieutenant governor; that he read it to Mr. Le Fevre, who approved it warmly, and signed it. That Mr. Le Fevre was at the time perfectly sound in mind, though very much otherwise in body. That his expressions respecting Captain Baillie were much too favourable in themselves for him to wish to mend or alter one of them.

Lieutenant *Smith* was called, to know how he had been treated by the committee of enquiry. He said, he had begun to read a paper, and after he had read a few lines, that he was stopped by Mr. Morgan, who declared it to be a libel on his clients; that the gentlemen of the committee were of a different opinion, and suffered him to proceed in reading his written address.

With the leave of the committee, he produced the address and read it at the bar.

The short-hand writer [*John Marson*] was examined as to his being turned out of the room, and not admitted again, though

though brought to Greenwich to take notes of what passed for Captain Baillie. He confirmed the assertion fully.

Mr. *Morgan*, the counsel, was then called, and interrogated as to his assertion, that he was instructed to tell the committee, that the Earl of Sandwich desired they would not enquire into any matter respecting him.

He declared, that he had no such instructions from the noble Lord; that he never had exchanged a single word with his Lordship in the whole course of his life. That he did not recollect having ever used such an expression; that possibly the manner in which it had been given in evidence that day might be owing to his having told the committee that they were not competent to enquire into the conduct of the board of admiralty, which they in his judgment were not.

Mr. Morgan expatiated very amply on the conduct of the committee of enquiry, declaring upon his oath, that their conduct was the most solemn, candid and just, that could possibly be imagined! He further said, that the committee went through the examination of each charge, charge by charge; that the words of the witnesses were taken down and read to them, and that every thing was done respecting Captain Baillie that justice required. He was employed, he said, as counsel for the individuals attacked in Captain Baillie's case; was the adviser of filing informations; and took a large folio blank book, and wrote out the charges, putting the names of the surveyor, chaplain, clerk of the works, and steward, to each head or separate charge, but did not transpose the charges; on the contrary, he took them as they stood in Captain Baillie's book.

The Duke of Richmond cross-examined Mr. Morgan, and extorted from him,

That the committee did not visit the infirmary; that they never enquired into the charge of landmen being in the hospital, and that he did not think the committee were competent to enquire into that matter, as he considered the enquiry to have been set on foot, in consequence of two memorials which had been presented to the admiralty from the directors, and the civil officers of the hospital, complaining of their being calumniated in Captain Baillie's book; for which reason, he said, he looked upon it, that the enquiry ought to be confined to such charges only as attacked those individuals.

This latter declaration caused a very peremptory and close examination as to Mr. Morgan's idea of what the order of the general court to the committee meant.

The

The order was read, and Mr. Morgan persisted in declaring, that he understood the words "the grounds of the several charges," not to imply all the charges in the book, but to mean only the charges affecting the persons above-mentioned, for that he considered the whole sentence as a relative.

As a reason why Mr. Morgan had stopped Captain Baillie from producing such evidence as he offered from time to time to the committee, and complained of having it rejected, he alledged that Captain Baillie offered such evidence out of time, producing testimony relative to one fact when another was under enquiry, and that when any matter went against him, his constant cry was about the bull beef and sour beer.

After a long conversation as to the day to which the further proceedings on the Greenwich Hospital enquiry should be adjourned, it was agreed to adjourn it till the 3d of May.

April 22.

Private business.

April 23.

Earl of *Bristol*. My Lords, I am first to return your Lordships my thanks for the indulgence you have given me, in the putting off this motion, on account of my health, till now; I confess it has long been my wish to make it, as I think it a motion which on every consideration I am obliged to make, as a friend to this yet existing constitution, as a friend to his Majesty, as a friend to my country, and also as a member of this great council of the nation: and though, perhaps, in these polite and courtly days, this motion may be uncommon, yet, look in your journals, your Lordships will find it is far from being unprecedented; and, therefore, I shall beg your Lordships' indulgence, whilst I state to you those various reasons that have induced me to make it; assuring your Lordships, that I have no other motive whatever for so doing, no consideration of any kind, than the welfare of my country, which I think essentially concerned in it; and I make no doubt but I shall fully prove it; it is high time for your Lordships to comply with such a motion.

My Lords, it is not my intention to trouble you with a long detail of professional anecdotes, or with the present state of the minutia of the navy; because the present situation of this country induces me (unless urged to the contrary) to leave a veil over whatever ought to be kept from the knowledge of the enemies of the state: I shall, therefore, confine myself to such recent observations, and to such public notorious facts in the great

great lines of the conduct of that department, as appear to me to have been the cause of the great decline of the navy, with regard to their want of ships, want of stores, want of petty officers, want of men, want of discipline, when compared with what it was in former times, and within my memory.

My Lords, the unsuccessful attempts that were last year made by several noble Lords near me, for remedying that conduct which has brought the navy, and consequently the nation, into this situation, give me little hopes of better success now; since the same baneful influence prevails, and the same official ignorance, fallacy, and obstinacy, presides over that department, and which hitherto appears to have been supported against all argument, and even against all demonstration; yet my Lords, no consideration whatever shall prevent me doing my duty to my King and my country; as I am quite indifferent as to the misconstructions which the noble Lord at the head of the admiralty may throw out upon whatever I may say on this head to your Lordships, and knowing the purity of my intentions, am as totally indifferent to the misrepresentations that may be made of me elsewhere; relying on his Majesty's justice, goodness, and penetration, as I do upon that of your Lordships, to be no longer deceived by the arguments and assertions that have been hitherto made use of in defence of such conduct: my Lords, whilst I have breath, I will speak to your Lordships with the respect I owe you, but with that freedom also, that becomes one, who professes, and will prove himself on every occasion, a guardian to the people, and an independent man.

My Lords, your Lordships are already in possession from last year of all the grants that have been made by Parliament for the use of the navy, since the year 1771, which I think amounts to the enormous sum of 24,181,838*l.* 17*s.* 2*d.* for the extra, wear and tear, and ordinary of the navy.

Your Lordships are also in possession of the state of the navy at that period, and the state of it last year; therefore I shall not in this moment trouble your Lordships with a repeated detail of those; but I must intreat you to reflect how those immense supplies have or have not answered your expectations, with regard to keeping up and encreasing the royal navy, as well as the filling all our magazines with all the different necessary stores, instead of suffering the too well known deficiency there has been of every kind.

The assertions thereupon that were last year held forth to your Lordships by the first Lord of the admiralty, I am not much

much surprized at, encouraged as the noble Lord has been by the credulity or the servility of numbers; which we may very well believe have often induced his Lordship to advance whatever would best answer the purpose of the moment; but how well those assertions have been verified, I leave for every man to judge, who is at all conversant in our present naval affairs.

My Lords, the first Lord of the admiralty stated to your Lordships early last year, that he had then a fleet ready and superior to that of France, and that it would be soon equal to that of France and Spain, and added in a loud and triumphant tone of voice, "that he thought a first Lord of the admiralty, who had not always a fleet ready, superior to the united force of France and Spain, was not fit to be at the head of hat department."

These were nearly his Lordship's words, and I most heartily concur with him in that doctrine; but I must beg leave to examine whether or not the noble Lord has proved his theory by his practice; and then I shall hope your Lordships will for once take the noble Lord at his word.

The ships that were stated to your Lordships the beginning of April, 1778, to be ready for sea, were then only thirty-five ships of the line, although it was well known that the armaments of France and Spain had been a long time increasing in all their ports; and that we had been fitting out ships ever since November, 1776.

My Lords, the accounts that were received by government, so early as in January, 1778, of the fitting of the Toulon squadron, and the progress of that squadron, one would have imagined would have awakened the supineness of the board of admiralty, or, at least, that it would have prompted the first Lord of that board (who I look upon in every light as the marine minister, and answerable as such) to have followed the maxims of all those great sea-officers who had been his predecessors in that office, to have immediately sent ten or twelve ships of the line to Gibraltar; which would have effectually prevented the consequences, and defeated the intentions of that French armament; prevented the squadron from passing through the Streights, or at least passing in such manner as would have defeated their further pursuits; shewn protection and countenance to the garrisons of Gibraltar and Minorca; prevented the insult of blockading those ports, by a number of privateers and frigates, protected the English factories at the different ports there; protected your trade also in those seas, which

which I will venture to affirm no first Lord of the admiralty, nor any minister, ever dared to have so totally abandoned before; and would have prevented the disgraceful and ignominious figure you have made to all the different powers and states on each side of the Mediterranean Sea, from the Streights of Gibraltar up to the coast of Syria.

My Lords, had they sent ten or twelve ships of the line in January, when by the accounts now given to your Lordships, and on the table, there were seventy ships of the line in commission, and I am certain there were not above twelve of the line then abroad in all the foreign services, and though we were told in April that it was impossible for you to detach; how to reconcile this I know not; but I know that had you then sent the ten or twelve ships I mentioned, there would have been no necessity afterwards of sending so many ships as you were obliged to do at last, with Vice-Admiral Byron, to so distant a part as America; where it was well known, from all private intelligence (supposing government to have had none at all) that this Toulon squadron must have been bound. The embarking of Monsieur Gerard on board the Languedoc, the quantity and sort of cloathing that was put on board this squadron, with many other concurring indications, well known here, proved their destination almost to a certainty. And yet, after all the most tedious efforts to collect a force, after all their assertions, and after all the warnings given them, and that no detachments were made out of these seventy ships of the line upon paper, there were only thirty-one of the line that could be collected at Spithead for that very famous naval review: and which I will venture to say, that had we been so fortunate as to have had a sea-officer at the head of the admiralty, those ships would not, at that critical time, and in that situation, either have been collected for such a purpose, or rendezvoused at such a place, and where they were detained so long useless, for an object, that I am equally confident would never have been permitted, had the bad consequences arising from it to the many different services that then claimed our attention, been properly and dutifully represented to his Majesty. But all that was so ably laid before your Lordships last year, by many noble Lords who now hear me, that I need not remind your Lordships of the detrimental folly of that measure: the great loss it was to your trade, and the exposing at that time all your settlements, were the consequences. But none were more dangerous than the detaining Vice-Admiral Byron so long before he was detached to America;

America; that, my Lords, was more than folly; it was a capital crime: for since no ships were sent to the Mediterranean to stop the French squadron from passing those Streights, that officer ought to have been instantly sent away to join Lord Howe in the Delaware, or at New-York, when first they knew of Monsieur D'Estaing's sailing, and which they had sufficient time for, as that squadron had a most uncommon and extraordinary long passage, of above thirty days, down the Mediterranean: for the securing, at all events, your fleet and army then in America, was surely the first, nay, indeed, the only object, and would have prevented the disasters Vice-Admiral Byron met with, by being ordered to Halifax, so far to the northward; and where if he had arrived, he would have had as long a passage to have encountered again from Halifax to New-York. But this delay of sending Vice-Admiral Byron's squadron had nearly occasioned the loss of all Lord Howe's ships in the Delaware (an escape of only three or four days) together with all the transports, victuallers, and store-ships then attending the army; and which, probably, from their situation, and that of the enemy's army, would have occasioned the ruin of that under Sir Henry Clinton; which neither the vigilance nor the bravery of either Lord Howe or Sir Henry Clinton could have foreseen or have prevented; and which army might, in that case, be now as totally forgot and abandoned as that unhappy brave set of men are who were lost at Saratoga.

And how were these ships of Vice-Admiral Byron's fitted? My Lords, they were all drafted, and then fitted from the fleet destined for Admiral Keppel, and then under his command: that very fleet, which was then known to be the only safety of these kingdoms, and our only dependence; that very fleet which was to protect us from the trumped-up report of an invasion; that blown up bubble (pardon the expression, my Lords) to draw the attention of the people from their more immediate misfortunes. Stores and provisions of every kind that was wanted, were taken from that fleet to fit out and equip Vice-Admiral Byron's squadron; and I leave your Lordships to judge the situation our magazines were in, when I tell you, and assert it for truth, that the main-tacks of the Valiant, and other cordage reaved in that ship, and in the Ramillies (then under orders with Admiral Keppel) were unreaved, and given to some of Vice-Admiral Byron's ships, before he could sail; and who did not sail till the 9th of June, which

which was near two months after Monsieur D'Estaing had sailed from Toulon. At last Admiral Keppel was directed to sail the 13th of June, with the remaining twenty ships of the line under his command, and proceed off Brest, with, I believe, only two or three frigates at most, with assurances, that he was then equal to the Brest fleet, which must prove to your Lordships, that notwithstanding all the secret service money allowed and charged, that either the admiralty had no true intelligence, or else, that they negligently, or wilfully exposed the British fleet to a far superior one of France, together with all the trade from the East and West-Indies, from the Mediterranean, and from all other parts, which was then hourly expected, and which, at that time, spread so universal an alarm through the whole kingdom, that there was scarce a merchant who did not expect a most severe blow to his capital; such was the notorious conduct of the admiralty, such the skill of the first Lord director of it, and such the narrow escape these kingdoms had, from such conduct; for, my Lords, Admiral Keppel no sooner arrived upon his station, but by intercepted intelligence, which he obtained from the French frigates, that Providence threw in his way; but which we must also be convinced he was not instructed to make captures of, as he never has received approbation for having taken them; he found, by these frigates, that the French fleet consisted of thirty-two ships of the line at Brest, thirty of which were then in the road ready for sea, with many heavy frigates.

The judicious resolution immediately taken by that officer to return to England, and have his fleet reinforced, equalled the manœuvre of the greatest admirals; and, for aught I know, saved this country from a severe blow: for had the French fleet been out, and off Brest, when Admiral Keppel first appeared there, I know not what might have been the consequences; twenty ships of the line of ours, to thirty ships of the line of theirs; they so primely manned, and our ships, I will still say it, and aver it, so defective both in petty officers and good seamen, at a time that you had not twenty more ships to depend upon, nor could you have collected twenty more, let your paper accounts, here given in, be what they will; I will assert and prove it to be so; which must have left all your trade, all your coasts exposed, and perhaps these kingdoms at that moment, open to insults.

I repeat it, my Lords, there never was a more alarming instance of the blundering ignorance, or something worse,

in

in the admiralty-board, for sending this very inferior force out at that moment; nor ever was a more judicous, salutary step taken, than that which Admiral Keppel took, of immediately returning to be re-inforced: the admiral (though unused to withdraw from an enemy, through a long serious of successful and honourable services) was indifferent to what the disappointments of ignorant expectation might throw on him; he determined not to risk the fate of this country, then relying on that only fleet, and entrusted to his conduct, as well as his bravery, nor even risk the honour of its flag against such an unexpected, such a superior force. The consequences of that return were very different to himself from what he had reason to expect; instead of applause and testimonies of approbation for his conduct, the tools and scribblers of power were employed in every quater of the town, to whisper and write away his exalted character, by throwing out every where, that he had seized that opportunity of an imaginary force to sacrifice the trade, and every thing else, to his political revenge: the pensioned vehicles of infamy, detraction and villany, poured forth the dictates of their more infamous and profligate protectors and paymaster, not only by asserting that Admiral Keppel's return to port was in hopes of ruining the ministry, but also by a constant abuse on all those whose experience, and whose judgment in naval matters, justified the admiral's conduct, and who dared to withstand the extended rod of power by so doing; and these were the reports of the day, these the grateful returns he then met with; and these the seeds that were then sown, and intended to produce his destruction hereafter; till they received such proofs of their own blundering ignorance that they were obliged to be silent; and in the greatest consternation the first Lord of the admiralty forgot his usual ostentatious parade, and went down himself post, to St. Helen's, to court the admiral's being silent, promising to exert every power, and to drain every other service, to enable Admiral Keppel to return to sea again, and face the enemy's fleet; although it was the 9th of July before only four ships could be got to join Admiral Keppel, then at St. Helen's; at last, when arrived in his station, they got equal numbers to the French; and how did this fleet go out a second time, my Lords? A number of ships, it is true, with some of the very best and ablest officers in the service of their commanders, but manned from whatever, and wherever they could collect any thing, and with such a deficiency of petty officers, as every officer in the fleet, who is not awed by that all-power-

ful presider at the admiralty-board, will not hesitate to acknowledge, was a great loss to us on the 27th and 28th of July; petty officers being the very life of a ship's company at all times, and much more so when in action; and yet I could never, in the last peace, whilst I sat at that board, prevent the noble Lord from taking such steps as turned that valuable class of men almost out of the service, and discouraged all others from coming into it; and so much was this error felt, that I know for a certainty, they were so deficient, even in the flag-ships, that an admiral on that command has since declared, that he was often obliged to do the duty of his captain, his captain of the lieutenant, and the lieutenant of the midshipman, for want of petty officers. The seventy-four gun ships were all deficient fifty seamen each ship, of their war complement, which, from a mature deliberation, and earnest recommendation of the greatest sea officers in the last war, (Lord Anson, Lord Hawke, Admiral Boscawen, Admiral Pocock, and many others; and when I name Admiral Pocock, give me leave to observe, my Lords, that I wonder the loss of such an officer as he was to the service did not make them more cautious how they disobliged other great officers.) I say, from their recommendation this was established, by order of council; and which deficiency was severely felt in the last engagement, as I know from several of the very best officers I have conversed with on the subject, that the size of our present 74 gun ships will not admit of such a reduction of their last war's complement.

My Lords, I shall make no other observation to your Lordships upon Admiral Keppel's return to sea after having been fitted at Plymouth, since the action of July, than that this fleet, for want of stores, &c. was, to the astonishment of the whole world, not able to get to sea again for many days after it was known the French fleet had been sailed again from Brest, and then returned with fished masts and yards, for want of others being in store.

My Lords, I have already told your Lordships why I will not enter into a discussion of the reasons which prevented, for many weeks after Admiral Keppel's last return to port, the getting out only ten or twelve ships of the line, which were intended to have sailed with Sir John Lockhart Ross, until at length westerly winds sat in, and blocked up all your ships and all your trade, whilst only two ships of the line and one frigate were then cruizing in the bay. Was there ever a situation so baneful to the trade, so disgraceful and so destructive

to

to the country? Look, my Lords, back to that period: though we had then been so long at open hostilities with France, and threatened by Spain, had you at that moment, or have you even now, any squadron, or any thing but a poor old sixty-gun ship with two or three frigates, in the Mediterranean, with a vice-admiral's flag, creeping from port to port, whilst the French were over-running those seas with a squadron of seven ships of the line and four frigates, under the Chevalier de Fabre's command?

Your Leeward Islands were till last February left in as bad a condition; only two ships of the line with rear-admiral Barrington; to which, and the absurd instructions given to that officer at that time, you owe the loss of that valuable Island of Dominica, as you do the safety of the others to his good judgment, in having broke his orders at last to defend them, as you may see by a letter I have in my hand from Antigua.

Jamaica was left till now with only one ship of the line, and in the greatest distress.

The East-Indies, where one should have imagined the noble Lord, from his lately acquired lucrative connections with the directors of that company, would have taken earlier and better care, had only two ships of the line till this moment; and though the company, from its powerful situation by land, has made an acquisition there, yet what merit in that acquisition has our admiralty?

My Lords, in the last war you had victorious squadrons in every quarter of the globe; you had cruizers well appointed and judiciously stationed in every place for the protection of your trade, and for the annoyance of that of your enemies, and a most powerful fleet besides to protect your own coasts, and insult the ports of your enemies, from whence they scarce ever dared to venture.

Does this situation tally with the account given in upon paper, of the ships in commission? My Lords, if there are such numbers in commission, and not fit for employment, more shame for those who commissioned them; it is job-work, it is borough-work, it is to serve the purpose of venality, and it is to deceive your Lordships in your enquiries: but, my Lords, let what will be the fate of this enquiry here, the prying world, the people of England, will not be so deceived; and I hope they will know I have done my duty by them.

Does this situation prove the assertions of the first Lord of the admiralty, with regard to his pompous and often boasted state of our navy, when he told your Lordships also, that he

had more ships ready for sea than in the most flourishing year of last war, that of 1759? My Lords, look at their own accounts of what ships were employed in 1759; even these tell you there were 114 ships of the line, December, 1759, and in all 303, with frigates, &c. but, my Lords, by a much more accurate account I have in my hand, which was made out with all the circumspection and exactness possible; for as able, exact, and as great an accountant as ever sat at that board, or the treasury, and as great a man, no one can doubt of my meaning Mr. Grenville when I so describe that late valuable man—there were at that period 158 ships of the line, and 234 frigates, 120 of the first and 164 of the latter were then actually employed at sea. My Lords, I shall not run into any unnecessary detail, but I could tell your Lordships the exact number of ships and frigates that you had, and all those that were employed for each year since the Revolution, with every minute charge of every different branch, relative to the civil or military departments of the navy, with their different number of men granted and employed each year in all the different branches; and, my lords, were I to run through it, it would surprize and alarm your Lordships, to see the increase of naval expence within these few years, and the decrease of your numbers, as well as your naval reputation, since the year 1771.

But, my Lords, what are all those arguments of the noble Lord's to us? If saying, that he has as many ships as in former times, be all he has to plead in his justification, he must pardon me, if I say, it has nothing to do with our present situation; for if for many years past, and during that noble Lord's presiding at the board of admiralty, and taking upon himself, as I know he does in effect, the sole powers and directions, as if Lord high admiral; if, I say, his Lordship has known, what we all know, and what we now prove to be true, that the fleets of France and Spain have been daily augmenting, what signifies what our fleets formerly were? why has not his Lordship augmented ours also? It has not been from want of money or power; the noble Lord has repeatedly told us so himself; and we know that he has had of both, far exceeding any of his predecessors in the last war; far exceeding even what the Duke of York had, when Lord High Admiral of England, and when all the sluices of the treasury were open to his commands, and almost all the royal power of his brother deputed to him for that purpose. How that power has been misused, or how that money has been misapplied, the public have a right to enquire into, and to be made acquainted with; and I hope your Lordships

ships will not prevent the means of doing it; by leaving the power in the hands of him, who, whilst he has it, will use it to defeat your enquiries.

My Lords, 'tis something past my comprehension, and has something more than the appearance of neglect (wherever that lays.) What is become of the navy, or what is become of the money granted for it?

It is a plain question; the people of England expect an explicit answer.

My Lords, I stated to your Lordships the last year, and it is on your table, that when that excellent officer, that great and good man, Sir Edward Hawke (now Lord Hawke) left the admiralty-board, the latter end of 1770, or beginning of 1771, he left on the navy list, which I have in my hand,

139 ships of the line

81 then fit for service
12 repairing
14 building
32 in a doubtful state

Makes 139, besides seven foreign ships purchased.

What ships have since been broke up, or what ships have been since built, either in the King's or the merchants yards, I will not ascertain, though I have a pretty authentic account in my hand of every thing relative to the navy, because your Lordships thought proper to refuse me the necessary and official informations which I requested; but as I suppose that your Lordships refused those papers from considerations of state, I will not say more; but, my Lords, this I know and will say, that the sum of £.24,181,838, 17*s.* 2*d.* has been granted for naval purposes since the year 1771.

Where then is the produce, where the effects of such immense, such extraordinary, unprecedented sums?

The fleet might have been, at least, one half augmented, from only a due proportion of that money having been properly applied to the repairing and building of the royal navy: instead of which, the navy of England is now considerably reduced. I will state to your Lordships the whole of our marine force on the 26th day of October last, when Admiral Keppel returned to port, a remarkable period, and one at which it was natural to imagine all our utmost efforts had been exerted, having, as I said before, been so long at open hostilities with France, and expecting every day to be so with Spain.

The fleet for service stood then only thus:

The ships under Admiral Keppel's orders were	33	of the line.
Returned from America were	4	
At Spithead for different services and fitting — —	7	—3 of which unfit for sea.
Portsmouth harbour (a first rate)	1	fitting.
Plymouth (ditto) —	1	
Chatham — —	3	ditto to receive men.
The river — —	1	
Mediterranean —	1	
Jamaica — —	1	
Leeward Islands —	2	
East Indies — —	2	
St. Helena — —	1	
North America, in all	17	
Total	74	
	9	of which were not manned, and only coming forward,
therefore only	65	of these were employed,

and many of them already complaining.

Yet, my Lords, by the accounts given in on the table, in that very month of October, 1778, they pretend to tell you, they had ninety-one ships of the line in commission—Where were they, when only sixty-five were employed at home and abroad at so critical a moment, and when they acknowledge that your whole force was required? My Lords, it is fiction, it is fallacy, and it is delusion!

My Lords, all this is a matter that I should think would stagger and alarm all your former confidence; it does mine; and, I vow to God, I speak only for the good of my country, and from no other motive do I appeal to your consciences. But let us for a moment examine this pretty list of theirs.

In the month of March they tell us there were in commission seventy-four ships of the line.

My Lords, the fleet under Admiral Keppel's orders then were	31	
With Lord Howe were —	6	which they had no reason to expect were collected.
Carry over	3	

At

	Brought over	37
At Jamaica	— —	1
East Indies	— —	2
Leeward Islands	— —	2
Mediterranean	— —	1
		43

What then became of the other thirty-one, that we could not then detach to the Meditterranean; that we could not send to reinforce Lord Howe; that we could not reinforce Jamaica, nor the Leeward Islands, nor the East Indies, nor have a cruizing squadron to protect our coasts from the privateers?

My Lords, in the month of May there are said to be seventy-eight in commission of the line, besides fifth rates, yet Admiral Keppel was sent out against thirty-two of the French with only — 20 of the line of ours.

Vice-Admiral Byron sailed with		13 to America.
Lord Howe remained with his		6
Jamaica remained with	—	1
Leeward Islands with	—	2
East Indies with	—	2
And the forlorn Mediterranean still with	— —	1
	In all	45

Where then were the remaining 33 that neither Admiral Keppel could have more against the French superior force, the Mediterranean any, or that in all this time you had no cruizers, nor could your Islands be reinforced?

How stood the numbers in August, my Lords, after the action, when Admiral Keppel having been reinforced in June, returned to sea from Plymouth to look for the French fleet again, which had got to sea ten days before ours?

The list given in tells us, there were then eighty-eight ships of the line in commission.

Yet Admiral Keppel returned with his same	— —	30 crippled as they were.
Vice-Admiral Byron was gone with his	— —	13
	Carry over	43

	Brought over	43
Vice-Admiral Lord Howe remained as before with his	—	6
Jamaica continued with	—	1
Leeward Islands with	—	2
East Indies with	—	2
The Mediterranean with		1
No cruizers, and therefore in all		55

What then becomes of the remaining thirty-three, in all these months, that none could yet be detached to reinforce, to relieve, nor to cruize; nor were there, on October the 26th, when Admiral Keppel returned to Portsmouth, ten sail of the line ready to put to sea, though (as I said before) they wanted that number to go with Sir John Lockhart Ross, to cruize at that time, and who was to have been sent out chiefly, with ships composed of those returned with Admiral Keppel; but, however, they were so long a collecting and getting refitted, that westerly winds set in, and none could go out; and yet, my Lords, according to these very authentic lists, you had still thirty-three ships of the line in port to spare, and none coming out yet: I believe there never was, at any time that we have been at war, such strange management of the navy, nor can I well account for the absurdity of it, unless the noble Lord has withdrawn all his confidence from the best, and almost only official assistance he has there, I mean from the secretary; the most diligent, most intelligent and indefatigable man in business I ever knew; and from whose absence, or sickness, I am not at all surprised at any thing that may happen to go wrong in that department.

And now, my Lords, having gone through the numbers and state of our own fleet, give me leave to state the account of the French fleet, as by the best intelligence acquired by captures, and other information, can be procured.

Under Monsieur D'Orvillier's command, at the time of the action off Ushant, the 27th of July, were 32 sail of the line,

Left at Brest, fitting and repairing	—	13
Mons. D'Estaing's fleet from Toulon, in all		13
M. De Fabre's squadron in the Mediterranean		7
There were building at Toulon, with all speed, and fitting	— —	11
	Carry over	76

At

	Brought over	76
At Rochfort were fitting	—	5 of 54 guns.
	In all	81 of the line.

Of these 81, there were 69 of the line fit for sea. My Lords, I have all the different lists in my hand, if any Lord pleases to examine them; and I wish any would, to shew the noble Lord what my intelligence is; though I know it does not much differ from that which his Lordship has had, however ill requited the poor man has been who at every risk gave it; but as the noble Lord understands me, I shall not give the least distant hint of whom I mean to any other.

Let us now look over the list of the Spanish fleet; the names of which, and number of guns, I have in my hand:

Ships of 112 guns	- -	1
of 80 guns	—	10
Ships from 70, 68, 64, and 62		45
of 58 and 56	—	3
		59 besides 30 frigates

and innumerable other veſſels, as galleys, xebeques, barks, &c.

Let us now compare these three great naval powers:

Here are of France	81	
of Spain -	59	
Total	140	of the House of Bourbon.
England had in October last	65	employed
	9	fitting
Total	74	fitting and coming on for service.

I ſhould be glad to know how the navy of England came to be thus reduced in ſhips fit for service since 1771, with such immense sums of money granted for its support, and its increase; and how it came to be so inferior to that of the forces of France and Spain: and I wish to know further how the noble Lord at the head of the admiralty will account for his not having had a fleet ready and equal to the united force of France and Spain, as he has often boasted he ought at all times to have had.

My Lords, here is in my hand an authentic list of the royal navy, delivered to me when I first went to the admiralty.

ralty-board, in 1771; I believe this cannot be disputed; I only desire to read, as part of my speech, the very short abstract of the ships of the line, &c.

Here are	-	139 ships of the line,
Besides	—	13 fifty gun ships, which the noble Lord says are never of the line,
And	—	230 frigates.
In all	—	382

Now, is there a Lord in this House, is there a man in this kingdom, but must feel indignation at such a reduction of the navy at this time, and with such sums as have been given for it; and at the same time to hear such fallacious accounts as have been repeatedly given to your Lordships by the noble Lord at the head of the admiralty?

	l.	*s.*	*d.*
My Lords, looking into the grants made by Parliament for the services of the navy, between the years 1751 and 1759, I find granted in that time for naval purposes — —	19,403,663	1	1¾
Out of which was to pay towards discharging the navy debt, and money given for building and repairing the different hospitals of Greenwich, Haslar, Plymouth, &c.	2,139,696	9	0
There remained of those grants for naval services of extra wear and tear, and ordinaries — —	17,263,966	12	1¾
Therefore you will find, that altho' we had been above four years at war between 1751 and 1759, with France, and that between 1771 and 1779 we have had — —	24,181,838	17	2
And though we have only been at open hostilities since last July, yet there is an increase of the grants to the navy in these last seven years of —	6,917,872	5	0¼

A sum of itself sufficient to have doubled the navy of England with all its appurtenances.

My Lords, I should be ashamed after such public facts, such undeniable truths as I have now laid before your Lordships, to take up more of your time, or to think you could require a word more on this subject, or that it was necessary for

for me to enter into a more minute discussion of the present particular situation of every branch of the naval department, which, if I attempted, I should be again reproached with having held forth to the world what ought to be concealed from the enemies of the state; and which, indeed, I have no great occasion to do, when your Lordships reflect on the noble Lord's own declaration to the court-martial lately held on Admiral Keppel, as to the impropriety of shewing the private letters that passed between his Lordship and that admiral, on the state of the ships that composed that fleet, which therefore, he said, made it improper to shew those letters. My Lords, if that was so, it could not be from its being a favourable report of the state of those ships—But I will say no more on that head, only leave your Lordships to judge from his own words of his own conduct; though, at the same time, give me leave to observe to your Lordships (as I have on a former occasion) that I never will allow that apprehensions of this nature are to influence this House, or to deter us from doing our duty here; for without pointing out the errors and misconduct of those who superintend the navy, or any other department of the state, we can never be of any service to his Majesty by advising, or to the country by enquiring; it will be impossible; they will give us no other papers or accounts than what they please, and we shall remain ever in the dark. My Lords, I, for one, will never submit to this: I care not who knows it; I wish more heard me than do; I speak as an independent man, and one solely attached to the interest and welfare of my fellow-citizens, without any other view whatever.

But, my Lords, I have already told you, unless urged to it, I will say no more on this head, only earnestly request your Lordships, that you will not wait till the whole navy of England is ruined, by such a continuance of misconduct; till the trade of these kingdoms is all annihilated, and till you have lost all your colonies, before you do justice to the people for the injuries they have received, and are daily receiving; and which I make no doubt, but your Lordships may at once prevent, by a dutiful and proper address to our most gracious Sovereign, to remove one of the principal authors of this misconduct, from a place of such trust and consequence as he now holds.

My Lords, I need not tell your Lordships, that there are various parliamentary methods of removing any minister, and which all but one tend to punish as well as remove: a bill of impeachment, a bill of attainder, bill of pain and penalties; all these tend to punish as well as remove; and that of

of addressing the King to remove from his Majesty's councils and presence for ever, which tends only to remove the evil, without inflicting any real punishment on the offender; and yet, my Lords, I have chosen a still much milder method than any of those; and therefore I do not doubt but I shall have the concurrence of every one of your Lordships, who have, for so long a time past, been condemning the measures that have so notoriously brought the navy, and consequently the nation, into this deplorable and disgraceful situation; nor do I doubt, but that many Lords who had formerly joined in approving those measures, being now convinced of their pernicious tendencies, and how much they have been deceived by the misrepresentation of artful men, will condemn those very measures they were formerly seduced to approve: and they, my Lords, above all, I am persuaded, have the greatest reason to concur in my motion for addressing his Majesty to remove a minister from an office, who has proved himself so incapable of holding that office with any credit to his King and country.

And therefore, my Lords, I shall move, "That an humble address be presented to his Majesty, that he will be graciously pleased to remove the Right Honourable John Earl of Sandwich, first commissioner for executing the office of lord high admiral of Great Britain, &c. and one of his Majesty's most honourable privy council, from the said office of the first lord commissioner of the admiralty."

Earl of *Sandwich* rose, made declarations of conscious innocence, of his sedulous attention to the duties of his office, and of the happy effects produced by that attention in the present flourishing state of the navy! He said he had felt, both in private and public, attacks which must have shaken any mind that was not upheld by a perfect inward satisfaction that he had faithfully performed his duty. However unjustly his public conduct had been arraigned, it furnished him with one consolation, which fully balanced every disagreeable circumstance relative to the manner those charges had been brought forward; it furnished him the means of justifying his conduct, and of clearing his character. Before he proceeded to answer the charges urged against him by the noble Earl, he begged leave to explain one leading circumstance to their Lordships; that was, an imputed responsibility for the conduct and event of the measures, which as first lord of the admiralty he was called upon to carry into execution. In that capacity he acted ministerially: the measures were the measures of administration alone; they were no more his than of any *other of* his Majesty's confidential servants; they were determined

termined upon in council, and before they came to him, must have the approbation of his Majesty. If any censure was due, he did not wish to shift that part of the general responsibility, which as one of his Majesty's advisers came of course to his share. All plans, expeditions, and instructions were submitted to the cabinet, considered there, and decided finally. All he was therefore answerable for to that House and the public was, the proper employment of the means put into his hands, in point of preparation, equipment, &c. and the carrying into execution the measures agreed upon in council.

His Lordship then proceeded to answer the noble Earl who made the motion, on the several heads of objection.

On the monies granted at the two different periods alluded to, and the surplus of expenditure, which the noble Earl called upon him to account for, he made no doubt but he should be able to give their Lordships entire satisfaction.

Our ships were of larger dimensions; we had a greater number of sixty-gun ships in our line of battle at the period alluded to than at present. There had been two fires, which had done great mischief in the dock-yard at Portsmouth, and one at Chatham: but the principal cause was, that we had a much greater stock of naval materials of all kinds now than we had when he came into office. Instead of 13,000 load, or about six or seven months consumption of timber, we had 72,000, or what was equal to a consumption of three years. We had a provision of five years hemp; we had, indeed, such quantities on hand, that we had not storage for it; insomuch that we obliged the contractors who supplied us with ropes, &c. to purchase from the navy-board. We were equally well prepared in the articles of iron, pitch, tar, and masts, having two or three years in hand, and two or three years engaged for. We had sent several thousand tons to our squadrons on their respective stations, North America, East and West Indies, Minorca, Gibraltar, Africa, &c. His Lordship then contrasted the present state of preparation to what it was on his coming into office, when no timber could be procured on any terms; when the ships, upon paper, were mostly rotten or unfit for service, being built with green timber at the close of the late war. This, he said, was merely the effect of a monopoly of the timber merchants, and the great demand occasioned by the consumption of the East-India company. He promoted a bill for restraining the number of tons to be con-

contracted for annually by that company, which was carried after a strong opposition; and he contracted for foreign timber, which answered extremely well; the consequence of which was, that the monopoly was broken, the waste of timber of native growth was put a stop to, and we had now more than a sufficiency of British timber to answer the demand; nay, much more than we had any room in our docks or arsenals to store up.

After having thus endeavoured to account for the excess of expenditure between the two periods, his Lordship proceeded to answer the noble Earl's detail. He observed, that in 1756, the number of line of battle ships were sixty-one; whereas, after three years war, in 1759, they amounted to no more than ninety-seven, and never rose higher, several of which were taken from the enemy. In 1776, our navy consisted of only thirty-six, and in the present year they were eighty, besides ten more put in commission; the deduction was clear, that at the former period of three years we had added to our naval force but about thirty, while within the latter period we shall have added upwards of fifty.

His Lordship then entered into a view of the comparative details of the naval force of Great Britain and France last October and now. He was satisfied that the noble Earl was misinformed; the person alluded to, who the noble Earl said had not been rewarded for his services, knew very little. The noble Earl might give any credit to that person's accounts he pleased; but they were such, he assured the noble Lord, as he would never depend upon. The noble Earl said, the whole amount of our force in October was but seventy-four upon paper; and in reality, including the guardships, and those in commission unfit for service, no more than sixty-five. Here his Lordship enumerated the different services and stations; Western squadron thirty-three; seventeen in America and the West-Indies; two in the East-Indies; one in the Mediterranean; five guardships, and twenty on cruizes, at the respective dock-yards, or in great forwardness, in all seventy-eight; every one of those ships were now at sea, or fit for sea: but supposing that nine of them were not, still it was a proof that we had sixty-nine or seventy in October last, while the most the noble Earl could make the navy of France at that period was fifty-eight. The navy of France at present, the noble Lord says, consists of eighty-one, which is extremely improbable; he will not say, I pre-

I presume, ready for sea. What is ours? Seventy-nine compleat, ten in commission, and seven building, which will be ready for sea by the close of the year, in all ninety-six, within one of the highest year of the late war, and the third only of our actual war armaments.

After meeting the noble Earl's assertions on those several heads, his Lordship proceeded to answer the other parts of his speech. He said, in dominions so numerous and vastly extended as ours, it was impossible to procure a defence for every part. Every part, however, was protected, and we had a clear superiority, but in the Mediterranean. Should we send a force thither, some of the other services muſt be neglected: but when the noble Lord asserted, that the Mediterranean was abandoned, it was a language he would never subscribe to; abandoning, imported a relinquishing of our fortresses and trade there, which was not the case in fact, nor the intention of administration. Spain, to be sure, continued friendly in her assurances: but would it be prudent, either last year or now, to risque a squadron into that sea? He was convinced of the ſkill and gallantry of the British seamen; but he likewise was convinced, that the utmost exertions of both must give way to superior numbers. It was impossible to trust to assurances, so as to risque any great event. Spain was armed, and according to the noble Earl's information, most powerfully armed; and he left it to the consideration of the noble Lord, whether it would be prudent to hazard a squadron, which must either submit, if Spain should take a part, or force its way through an enemy greatly superior. The last he was certain would be the choice the officers and seamen would take; but a most melancholy and hazardous alternative it must be, to be compelled to engage upon such unequal terms.

If then it would have been improper and dangerous to detach a squadron to the Mediterranean last summer, it would have been equally so to have sent out Admiral Byron to America till the actual destination of D'Estaing's fleet was known, which could not be till after an account was received of his passing the Gut of Gibraltar, and shaping his course across the Atlantic; for, only look to the possible, nay the probable, consequence. If Byron had gone off early in May, which is the proper time those who have condemned the measure have fixed for his departure, D'Estaing might have been easily countermanded, and have joined D'Orvilliers at Brest, which would perhaps

perhaps have realized those imaginary dangers the noble Earl had so earnestly endeavoured to impresss on their Lordships' minds.

Administration, in his opinion, adopted the wisest measure; they waited till D'Estaing was known to be on his way across the Atlantic; they then detached, and if the elements had not warred against us, Byron would have arrived in full time to have met D'Estaing, and with the decisive superiority he then possessed might have destroyed the French squadron, and by that means probably put an end to all future naval rivalship from that quarter.

The noble Earl had condemned, in very sever terms, the sending out Mr. Keppel in June with twenty ships, when he knew, or ought to have known, that there was a much superior force ready for sea in Brest water; he did not know, nor could have known any such thing, because he firmly believed that Mr. Keppel was fully equal to the French fleet when he sailed and when he returned: yet as the admiral imagined he was not, he thought he acted very properly and prudently in returning into port. Much merit was due to that officer for his conduct; but he would not have it understood, that he disobeyed his orders by acting as he had done; on the contrary his instructions were to return if he found the French superior; the true ground of his justification was therefore an obedience, and not a disobedience of orders. His instructions were discretionary; yet Lord Hawke, upon similar orders, acted in a different manner: his instructions were to cruize fourteen days off Brest with an inferior force; he out-stayed his time, and on his return gave for answer, that he did not regard a small superiority.

In answer to the number of line of battle ships Lord Hawke left when he quitted the admiralty, it was not necessary to contradict the noble Earl, or minutely enquire into the state and condition of each respective ship; it was enough to say, that they only cut a figure upon paper: but when it was so emphatically asked by the noble Earl, where they were? he would answer him; that twenty-one of the line had been broken up, and sixty frigates; and that two line of battle ships, and fifty-six frigates, had been either destroyed or taken since the commencement of the present war, making in the whole about 140.

As to the two assertions on which the noble Earl seemed chiefly to ground his motion, that of our having forty-two ships ready for sea in November, 1777, thirty-five really ready,

dy, and seven in such a state of preparation as to be ready to go upon actual service in a fortnight, he was still prepared to prove it. He had a list of the names of the ships, the number of guns, and the compliment of men shipped, or ready to ship. The noble Earl said, why, if in November forty-two were ready, how came it to pass that no more than forty-seven were ready in June? That was not the fact; four of the former list became either unfit for sea, were condemned, or refitting; and ten more were in such a state of forwardness, as to be able to join Mr. Keppel before the 23d of July. He thought the frequent contradictions he had given to the expressions imputed to him, of his saying, "that no person was fit to be at the head of the admiralty, who did not take care at all times to have a fleet equal to the united powers of the house of Bourbon," would have prevented him from hearing any more upon that subject. He affirmed, he never said any such thing. It had got out in pamphlets and newspapers; it had been misrepresented in that House, and in another assembly, in debate, but he would once for all repeat, that his words were not, a first lord of the admiralty, but an administration.

He dwelt a considerable time on the equipment of the fleet under the command of Admiral Keppel: he said, the ships that composed it were in a high and finished state of preparation for actual service, and all well manned but the Thunderer, commanded by as brave, as worthy, and as able an officer as any in the fleet [Captain Walsingham] and that his ship thus manned, acquitted herself in the action with as much honour as any other in the fleet.

He took notice of the noble Earl's having said, that the French fleet, after the action of the 27th, were at sea ten days before us, which was to him a mathematical demonstration, that we were more beaten than they; and he confessed, when he went down to Plymouth, after the return of the western squadron, he was astonished at the damage the fleet had received, nor could he have credited it, had he not seen it himself.

His Lordship next proceeded to enumerate the advantages we had gained in the course of the naval campaign, both in respect of the protecting our own commerce, and capturing, and otherwise distressing, that of the enemy. If there was no naval victory obtained, there were other advantages to balance the national disappointments on that head. Only suppose, that Monsieur Sartine had upon much better ground been attacked for the ruin of the merchants and the destruction

tion of their trade, he will probably reply with an "*Allez vous en*, I am glad the trade of the country is gone, there will be so many more men for the king's service."

After travelling through a vast deal of miscellaneous matter, his Lordship jocularly observed, that he would not vote for the dismission of John Earl of Sandwich from his office of first lord of the admiralty, nor would it be decent in him to vote at all; but he begged their Lordships to understand, that he would be much obliged to such of them as would vote for keeping him in his place.

Earl of *Bristol* said, in reply, that the noble Earl in office had endeavoured to establish a personal irresponsibility; but this was a doctrine he could never subscribe to, or permit to pass unnoticed. The councils of the cabinet were formed in consequence of the information they received fsom the first lord of the admiralty, and measures were adopted accordingly. If the cabinet ministers were deceived or misled, the opinions formed in the cabinet must partake of their origin: but supposing the contrary; supposing that the error originated in cabinet, and the noble Earl was outvoted there, was not the noble Earl bound, by every tie public and private, not to remain in a situation, where, according to his own confession, he must be obliged to act under an administration no longer fit to direct the councils of this country, because they had "not provided a naval force equal if not superior to that of the whole house of Bourbon."

He next mentioned a fact, which, he said, ought to make the noble Earl blush, that of the great quantity of stores in the several arsenals, though it was well known, and a matter of public notoriety, that several of Admiral Keppel's squadron, when under sailing orders, had their rigging unreaved, in order to equip some of the ships then going out under the command of Admiral Byron.

His Lordship concluded his reply with stating a passage in the noble Earl's speech, in which he laid it down as a matter not to be questioned, that it was impossible to defend all our coasts, without deserting the protection of our dependencies. For his part, as long as he knew Parliament or ministers, he never heard such a public declaration made by the first commissioner of the naval department. It had been frequently urged, as a matter of censure, from that side of the House on this, that by exposing our weakness, we had invited an attack from the enemy; whereas, in the instance just mentioned, there could not a single doubt remain with

our

our enemies, that the British empire was unequal to the defence and protection of its dominions.

His Lordship sat down, after reminding their Lordships, that he had in every single particular fully established his charges.

Duke of *Bolton* said, from the want of petty officers, the lieutenants and other several subaltern and subordinate officers had been obliged to neglect their own proper duty, to perform that of their inferiors. He spoke of the necessity of having a greater number of flag officers employed in times of actual service; and after condemning the equipment of the ships, and bad manner in which they were manned, affirmed, that all discipline was at at end.

His Grace spoke on the bad policy of neglecting the Mediterranean, and was remarkably severe on the noble Lord, on the point he seemed most to plume himself upon, that of the state of our naval stores, not one of the enumerated articles being in the state, he would maintain, which had been asserted by the noble Lord. His Grace spoke for upwards of an hour, but directed his speech chiefly to the promises of the first Lord of the admiralty, and the naval operations of the last summer and autumn.

Earl of *Sandwich* said, he was ready to prove the facts from authentic papers, relative to the account he had given of the state of naval stores. He said, much stress had been laid upon the delay of the refit of the western squadron, after its return into port, subsequent to the engagement of the 27th of July: but, my Lords, I contend it was not the want of naval stores that occasioned the delay; but, as I said before, our fleet was so beaten, and suffered so much more than the French. His Lordship made a general and a second reply to the several former objections urged when he was last up, or had been introduced since into the debate.

Duke of *Richmond* observed, that the elements had not warred against us, but for us; for if D'Estaing, who cleared the Gut of Gibraltar on the 16th of May, had not had the elements to war against him, he must certainly have reached the Delaware three or four weeks before Byron, who did not leave Plymouth till the 9th of June, upwards of three weeks after; by which means Lord Howe's fleet, and Sir Henry Clinton's whole army, must have been taken or destroyed. Upon the common scale of probability, therefore, if D'Estaing was clear of the Gut of Gibraltar upwards of three weeks before Mr. Byron left Plymouth, it was fair to con-

clude, that he would have reached America upwards of three weeks before him; the consequence of which, as he observed before, must have been the total destruction or capture of our naval and land force in that country, the taking all our victuallers, &c.

His Grace spoke on the bad treatment, the manifest coolness, and neglect shewn to the admiral of the western squadron, and, in particular, the language of the noble Earl at the head of the naval department, respecting that gentleman's conduct. The noble earl said, "He was certain that when Mr. Keppel returned from his station off Ushant in June, he was equal to the French force then in Brest." He wished to know if those were not his words, for so he had taken them down; and he called upon the noble Earl to avow, explain, or retract them, otherwise he should argue upon them as acknowledged. Here there was a pause for a few minutes. Lord Sandwich not answering, he called upon him a second and a third time. At length

Earl of *Sandwich* said, he would answer no questions put to him by an individual Lord, unless he was to understand that it was the sense, and at the desire of the House.

Duke of *Richmond* said, the explanation called for by him was merely personal; it was a matter not properly cognizable by the House; he only wished the noble Earl to explain or state his meaning, in the sense in which he desired to be understood. He would consequently meet the assertion as avowed, and argue upon it accordingly, since the noble Earl had declined to give any explanation.

He contended, that the assertion was not true, for Mr. Keppel was not equal to the French force when he returned into port; and if the noble Earl would appoint any third person, he would give undeniable proofs to that third person, to shew, that the fact was not so. He called upon the noble Earl to assert it again upon these conditions; he knew he could not; he knew he dared not. The noble Earl qualified, or affected to qualify, what he said, by allowing that Mr. Keppel acted very properly in returning. How could that be? The qualification was worse, if possible, than the assertion. If Mr. Keppel turned his back upon an enemy only equal to him in force, it was evidence incontrovertible, that he had dishonoured the flag committed to his charge; and instead of acting prudently and properly, he would have acted both imprudently, improperly, and disgracefully. If the noble

Lord

Lord did not think fit to retract his words, or explain, the conclusion on either hand was inevitable.

Another expression fell from his Lordship, which, if possible, called more directly for explanation than the former. Speaking of the circumstance of D'Orvilliers being ten days at sea after the engagement earlier than Mr. Keppel, his Lordship said, "Our fleet being so much more beaten, as I said before, than that of France." Is not this an explicit declaration, or assertion, that our fleet was more beaten than that of D'Orvilliers? Is it not an express avowal and acknowledgment of what France pretends, and no man in Europe but his Lordship believes: that our fleet was beaten because it was more beaten? How will this account sound in France? How will it be received on the continent, when it is told, that the first lord of the admiralty of Great Britain rises and affirms in his place, that the British fleet, consisting of an equal number of ships, but having a great superiority in the rates of the ships, the number of guns, &c. according to his Lordship's repeated assertions in this House, was more beaten under those circumstances than the fleet of France.

After some pointed comments on the probable consequences of such a language, and such an avowal, he entered into a consideration of several other particulars, which came out in the course of the debate; and observed, that the situation of this country was surely very lamentable indeed, if we had only a doubtful superiority over a single branch of the house of Bourbon, and that the superiority was more than balanced by the superior skill and bravery of our enemies.

He observed, that Spain was looking on with a view to join France, at the first moment such a junction promised to be fatal to England; for it was the intention, as well as the interest, of the house of Bourbon, to crush Great Britain, or at least set bounds to its growing naval power, which, in their opinion, would soon become much too formidable, should Great Britain and America be ever again united under the same government. France had forborne to come forward to a late period, lest an early interference might alarm us, and have induced this country to hold out reasonable terms to America: but when they found us engaged in a continental war at 3000 miles distance, and our resources in men and money nearly exhausted, they pulled off the masque; and he had every reason to believe, that Spain was acting the same part; and that his former predictions would come as literally true; that we should at length find ourselves engaged in

in a most hazardous, expensive, and bloody war, with the united force of France, Spain, and America.

His Grace then proceeded to state the naval force of France from authentic documents which, he said, he had in his possession, and which would confirm the statement made by the noble Earl who made the motion. His Grace asserted, that there were on a particular day at Brest, fourteen ships of the line ready for sea, thirteen nearly equipped, and eleven either building or repairing, and in a considerable state of forwardness, in all thirty-eight; under M. Le Grasse at least five; with Mons. La Mothe Piquet five; under Mons. Vaudreuil, on the coast of Africa, two; at Toulon seven, including Mons. Fabre's squadron; at Rochfort ten, part ready, and part in great forwardness; in the East-Indies two; under D'Estaign eleven; and three on cruizes; amounting exactly to the number stated by the noble Earl. But, supposing that ten of those should not be ready, or even thirteen, still the noble Lord at the head of the admiralty must confess, that France would at least have seventy ships of the line at sea in the course of the summer, which was very nearly as many as Great Britain. His Grace endeavoured to prove it in this manner: at the different ports of Plymouth, Portsmouth, Chatham, and Woolwich, five; the squadron under Byron seventeen; under Rowley seven; in the East-Indies, or on their way thither, six; in the Mediterranean one; and eight either repairing or upon miscellaneous services; besides the western squadron, thirty-four or thirty-five; the whole would be but eighty; though he could not, by the list on the table, make out more than seventy-eight: but, following his Lordship's computation, if the seven guardships were to be deducted, as well as four which were not in a state of repair or preparation at all, this would leave the numbers sixty-nine to seventy, to which if added the ten ships of the line put into commission, the true state of the British and French fleets, during the summer operations, would be, Great Britain seventy-nine, France seventy; which was a superiority by no means sufficient to trust the fate of this country to, in the possible event of a Spanish as well as a French war.

Earl of *Sandwich* replied generally, that he did not believe the account given of the naval state of France to be correct; and contended, that the guard-ships ought not to be deducted, as, if occasion called, they might be employed.

To

To the charges made against him by the noble Duke, of two expressions which he had imputed to him, one respecting the fleet under Admiral Keppel having been equal to the fleet of France; the other, that the British fleet was more beaten than the French, he thought it very unfair to catch at his words, and cruel to misinterpret them. He never meant to say positively that Mr. Keppel was equal to D'Orvilliers; he only said, for any thing which had yet appeared to the contrary, he was; so he affirmed still; but he had reason to believe that the French fleet might be more numerous, perhaps it might amount to twenty-three or twenty-four; but what he meant was, that, considering our superiority in three deckers, the difference of number against us might have been counterbalanced. In that sense he wished to be understood; he never had the least thoughts of passing any direct or indirect censure on Mr. Keppel's conduct; on the contrary, he thought he acted very properly, and would, whenever called upon, within or without that House, be ready to declare it.

The charge of his saying, that the British fleet was more beaten than that of France, was equally ill founded; such an idea never entered into his head; it was preposterous and absurd to suppose it. He had seen the fleet on its return to Plymouth; it had suffered greatly indeed; he meant no more than that, and was astonished when he heard the noble Duke wrest his words to a sense he never meant to convey.

Duke of *Richmond* said he was satisfied with the explanation now given; but begged leave to observe, that it was rather unlucky that the noble Lord had not rose immediately, when called upon, as it might have prevented very improper ideas getting out into the world, both respecting Mr. Keppel's conduct, and the honour of the British flag; but respecting his own conduct, he had a word or two to say. The explanation given came accompanied with an assertion he would never let pass uncontradicted: that was, a direct and positive denial of the words; because, if he did, their Lordships would go away with an idea, that he had imputed expressions to the noble Earl which had never fallen from him. His Grace then read the notes he took at the instant the noble Lord was speaking. His first expression—"I am perfectly satisfied, that Mr. Keppel was equal to the French fleet, when he returned."—The other—"It was to him [Earl of Sandwich] a full demonstration, that the reason why the French got ten days earlier to sea, after the action of the 27th of July, was, because, as he said before, they had been

more beaten."—Before he sat down, his Grace said, that the words of ministers were not to be trusted to, even in matters of indifference, and of little or no consequence, much less in those of real importance; and then entered into a narrative of the conduct of the minister in the other House [Lord North] and the noble Viscount in his eye [Lord Weymouth] who, after being regularly informed of each progressive step of the treaty entered into by France and America, and of its actually being signed, denied, when asked by an honourable relation of his [Mr. Fox] and a noble Duke near him [Duke of Grafton] that they had either heard or believed a syllable of the matter.

Lord *Stormont* condemned loudly the frequent indiscretions which noble Lords were guilty of in mentioning matters of state in that House. While he was in a public character at Paris, he had almost daily reason to experience it. It was not necessary to enter into particulars; but he believed that news-paper accounts, and other publications, in pamphlets, &c. of their Lordships' debates, containing angry and indiscreet expressions, either respecting the French court or the French king, had worse effects than any thing else whatever in bringing matters to their present state [supposed to allude to an expression of the late Lord Suffolk, and the noble Lord at the head of the admiralty, in the months of November and December, 1777]. He was very sorry to hear Spain brought into the present debate; the conduct of crowned heads, and the spirit and ability of great nations, were subjects of a very delicate nature, and ought to be mentioned with great caution. It was the noble Lord that made the motion who first mentioned Spain; but he had to lament, that the noble Earl [Sandwich] who replied, and whose great abilities he was ready to confess, had taken any particular notice of it. The words of persons in high office, and in the secret of the public councils of the nation, were watched, and frequently made very unfavourable and improper impressions. He said, one general answer would serve on such occasions; that is, a proper trust in the assurances given by friendly powers, and, at the same time, a full resolution, independent of any external circumstances, to preserve the honour, and steadily pursue the interests, of the nation.

In answer to a passage which had fallen from the noble Duke who spoke before him, relative to his conduct while ambassador at the court of France, he repeated his former narrative, relative to the information of the treaty negociating

ting between France and America, till its final completion; and said, France never determined to interfere, till they received an account of the unfortunate affair of Saratoga.

Lord *Lyttelton* said, he enjoyed a place under government, which ministers were welcome to, if they thought it a crime in a man to declare his mind, when the dearest and most vital interests of his country were at stake. Nothing should prevent him from speaking his mind; and, even upon the most sordid motives, he appealed to every Lord present, when the fall of stocks, decreased value of landed property, and accumulated new burdens, were taken into the account, whether it was worth the while of any Lord, or any man of property, to partake of the favours of government, when it was considered, that what he received as a placeman was more than what he lost as a land-owner or a man of property.

The noble Viscount had talked of the necessity of being delicate and reserved in what was said in that House respecting Spain; he saw no reason for any such delicacy; the subject was important, and it ought to be met fairly. Spain either would or would not join France; to temporise was to lull this country into a state of doubt, and might increase the danger that would attend the interference of the court of Madrid, whenever she should interfere; he hoped therefore the ministry would insist on explicit answers from that court. The noble Viscount had talked of private friendship, and compared it with the faith of nations, and the friendly assurances of one sovereign state to another; surely the noble Viscount was not serious in that part of his argument, and did not imagine that any one Lord would be weak enough to adopt the position!—The case was widely different: private friendship arose from a similarity of mind, a similarity of principles, a similarity of views, and often of blood, of consanguinity, and of relationship; but, even in the latter case, their Lordships had instances of the little hold of that tie. Could it be said that Spain and England had the same principles, the same views, the same consanguinity, or the same relationship? Did not the Family Compact stare us in the face; and was it not a notorious fact, that the separate branches of the House of Bourbon were bound by treaty to assist each other when either of them was attacked?—Let the noble Viscount also recollect, that it was but the other day, that the same argument which he had dwelt upon, respecting Spain, held equally good respecting France, and that too at a very recent period. Was it not the language of ministers, that

that France was the friend of England; nay, was it not the language of the throne itself? Were not both Houses of Parliament told, in the most direct and strong terms, that France had made such assurances of her friendship, as put the question of her sincerity beyond all doubt, and rendered every idea of her assisting America ridiculous? And yet, what had France done?—In the midst of her friendly assurances, she had formally received ambassadors from Congress, and, for a considerable length of time, she had been daily employed in furnishing America, as the noble Viscount had himself stated it, with military stores, and the means of carrying on that war, which had cost this country so vast an expence of men and money. At length, to pursue the noble Viscount's arrangement of facts still further, she had thought proper to throw off the mask, and our friend, the French minister, came with his famous rescript, notifying to the British government, that the king his master, out of his abundant love and friendship to Great-Britain, had thought proper to enter into a treaty with America, a treaty offensive and defensive, and such a treaty as was to enable America still farther to resist and to assert her independency. Let noble Lords hold these well-known circumstances in their view, and then let them judge of the weight of the noble Viscount's argument, that private friendship and public amity were synonimous terms, and meant exactly the same thing: for his own part, nobody had a greater regard for the punctilios of Spain than he had; but he wished to know, from the authority of ministers, what were the engagements, and what the professions of that power, at this critical juncture? All that he could now speak to was, her conduct. At this time she was armed in a most formidable manner: twenty-five ships of the line, completely manned and rigged, and ready for the sea, with three admirals' flags flying, were in the harbour of Cadiz. She had stopped the entrance of the Mediterranean: had said to England, "Thus far shall you go, and no farther!" prescribing the bounds of her navigation, and adding, "You were once the empress of the ocean, but now not a ship must pass the Straits of Gibraltar without my permission. France may deprive you of the trade of the Mediterranean, Minorca may be taken; but I have certain engagements that must be fulfilled, and you must accommodate yourselves accordingly."

His Lordship pursued this argument for some time, stating the probable consequence of our humouring the court of Madrid,

drid, and in express words asserted, that if Gibraltar was extorted from us by Spain, as the price of her neutrality, we should find, that Spain would be our friend in May, and, with Gibraltar at her back, our foe in August.

His Lordship directed his attention to the particular charge alledged against the noble Earl at the head of the admiralty, respecting the sending out Admirai Keppel with only twenty ships, when it was stated that there were a greater number in Brest water. He repeated his astonishment that the noble Earl had refued to answer the question put to him by the noble Duke [the Duke of Richmond] and said he had waited with some anxiety, in hopes that an explicit reply would be made either by the noble Earl high in office, or some other minister. Did the noble Earl recollect, that he had himself declared Mr. Keppel's orders were to return, if he discovered the French fleet to be apparently superior? Did he see the difficulty in which the whole matter was involved, for want of a satisfactory answer? Surely the noble Lord did not mean to confess that he sent out Admiral Keppel with orders to run away from the French fleet?—and yet that was the appearance of the matter, as it then stood. Either Admiral Keppel was to blame for returning, or those that sent him out, under such circumstances, were to blame for having sent him out with a fleet inferior to that of France. No position could be more obvious or unembarrassed. Blame must lie somewhere; to whom was it to be imputed, or how were their Lordships to know in what manner they ought to vote that day, unless some explanation was given? He stated what he had himself heard in another assembly, relative to this business, and repeated Admiral Keppel's words upon the subject, when he described the great struggle in his mind, on finding himself obliged to turn his back on the French; that back, added his Lordship, emphatically, which had never before been turned on the enemies of his country!—The Admiral had then avowed that "he gave up his feelings, and the pride of his heart, to the painful sense of the duty he owed his country." The expression was a strong indication of the conflict in the Admiral's mind, and while it did him honour, made every man who heard him feel for the dilemma in which Mr. Keppel was at that time involved, made the pulses of their hearts beat quick with the glow of applause that they felt for his conduct, and made them execrate those who had put a commander of distinguished reputation and ability to the difficulty of either risquing the safety of his country,

or

or of doing injury to his own feelings, both as a man, an officer, and a citizen. He paid Admiral Keppel the highest compliments, and said that those ministers were supremely criminal, who drove such an officer from the service of his country. That, in days of imminent public danger, instead of slighting such men, out of ridiculous punctilios of office, it was the duty of ministers rather to accommodate their caprice, as long as those caprices did not operate to the prejudice of the state, and, by every possible attention, to encourage them to continue in those high military stations, for which their talents, their valour, their experience, and their exalted professional character, pointed them out as the best qualified. He said, no officer in the navy stood higher in the opinion of seamen than Admiral Keppel; that the very circumstance of having broke his orders, and returned home, when he discovered the superiority of the French fleet, gained him the greatest honour from his own profession; that Admiral Keppel had not gone out merely to fight for a few ships, but to defend our docks, and our arsenals; to defend Portsmouth, to defend Plymouth, to defend the city of London, to defend the navigation of the Thames, and to preserve their Lordships' seats in that very House; in short, to preserve the whole British empire; for no less was the object that Admiral Keppel was sent to defend, and no less would have been the loss, if he had been defeated. Either the minister who gave the orders, or the Admiral who violated them, was in the wrong. One of the two was certainly to blame, but which of the two was the question. The admiral, in his subsequent conduct, had not only been acquitted by his proper judges, but by the acclamations of the people of England. The conduct of the noble Earl in office had not, to that day, been enquired into, nor justified; and it appeared to be the sense of administration to slobber it over, if they were able: for not long before Admiral Keppel was sent out with those twenty ships, to meet a force so unequal and so superior, that the first Lord of the admiralty acknowledged he was justified in avoiding it; not long before that, the noble Earl had asserted, from official accounts which he produced at that table, that we had a superior force to the united House of Bourbon, and that every minister ought to have such a force who was at the head of his department; an assertion of the greatest weight, of the most material importance; for who could doubt what the first Lord of the admiralty, who must, from his office, have the best intelligence concerning

concerning the state of the navy, declared to be true? Who could controvert an opinion which was grounded upon official intelligence? What was the effect of this declaration's coming from such an authority?—It was admitted to be true; it stopped the enquiry; it suspended the vigour of all our operations. Much might have been done by Parliament, if Parliament was sensible of the weakness of the country; but the assertion being false, how did it operate? It hoodwinked that House; it blinded their Lordships where they ought to have seen clearest; or, giving their Lordships false hopes and false expectations, deluded them on the extreme verge, to the very brink, of destruction. With regard to himself, the noble Lord's declaration respecting the state of the fleet altered his opinion immediately; it dissipated his dread of our commencing a war with France with an unequal fleet; it gave him hopes of a successful contest, and it induced him to rise and reply to the late Earl of Chatham, in defence of the first Lord of the admiralty, whose conduct that able stateman, the deceased Earl, had severely attacked, on the allegation that he had not above twenty ships of the line then fit for actual service. Their Lordships doubtless recollected the argument he had used on the occasion, an argument which he certainly should not have had an idea of dwelling upon, but for the assertions of the noble Lord, who had that day been properly termed the marine minister of this country. Mutilated accounts from office, his Lordship declared, were always dangerous: in the case alluded to, the deception was a two-edged sword; it cut both ways, it wounded friends and foes, but the point of it was turned against the breasts of the people.

His Lordship then adverted to the situation of affairs, and substantially expressed himself as follows: The kingdom is destitute of resources and destitute of allies. Our trade decreasing, our manufactories perishing. The first Lord of the treasury has confessed in his place in Parliament, that he could only raise seven millions when he wanted eight; and that he was forced to bribe the monied men by ruinous bargains to advance the seven millions. We are engaged in a double war with France and America. As to the American war, however justifiable in its principles, which I think were constitutional principles, it has nevertheless in its conduct been, from the time that General Gage was pent up in Boston, down to the more fatal period of the surrender of Saratoga, when that brave officer, General Burgoyne, was forced

forced to submit to the mortification of surrendering his army into the hands of the Americans, one black æra, pregnant with the most dire mischiefs, the most cruel fortune, the bitterest calamities and the most inexpiable evils, that this country ever endured, and so it will be marked by the latest posterity.

It is now said there is good news—What is it?—Colonel Campbell is arrived from Georgia with the news of a victory, and, in the same breath requires a reinforcement. Good Good! let noble Lords consider the state of the American business as it really stands; Georgia *is* ours, Boston *was* ours, Philadelphia was ours, but after five years contest we are reduced to little more than half a province; then what is the object of the American war? America, if it were ours on the terms of the commissioners, would rather be a burthen than an acquisition; but redouble every efforts, strain every remaining nerve that this kingdom has left; compleat the ruin, send fleet after fleet, and army after army, America, he contended, never would be ours by conquest. To what purpose are we exhausting ourselves? To what end are we spending our strength? What is the object that we are in pursuit of? It is not taxation; there is no man but Mr. Vyner now in the three kingdoms that has any idea of taxing America: it is not supremacy; it is not legislation; for that has been all given up by the commissioners; they have changed places with the opposition. Lord Chatham's bill was a Tory system of government, in comparison of what the commissioners offered. They have gone much in concession beyond the noble Lord near me [Lord Shelburne]: they have even out-shot the noble Duke [Duke of Richmond] at his own bow; they have given up every thing, and have proposed to pay the debts of America, debts contracted by her military opposition to Great-Britain!—Then what is the object? It was a question lately put to me by an honest gentleman farmer down in the country, who said, "This American war has ruined us all, and if we conquer America what are we to get by the conquest?" His Lordship added, that it was a question which must be answered; at present a general lethargy prevailed, the people came down to the bar of their Lordships' House gaping for intelligence, listening with a greedy ear to their debates, each day hearing, with unmoved muscles, a recapitulation of their own wretchedness and the accumulated miseries of their country, and afterwards went away with perfect composure, like men who left the theatre after

after seeing a tragedy, in the several incidents of which they had not the smallest concern, and by the distress of the whole of which they were not all affected. If the people of England did not soon awake and rouse themselves, they would be put to death in their sleep. Their Lordships, nevertheless, must give him leave to say, that whenever the grey-coated freeholder whom he had mentioned, staggering under the weight of taxes, said, "I will pay no more taxes," the kingdom would be in a convulsion from Cornwall to Scotland.

After descanting much at large upon the unfortunate situation of affairs, his Lordship said, that in a crisis so alarming as the present, it was wise to call for assistance wherever it could be found; that party and faction should be forgot; that men of abilities, let their political sentiments be what they might, ought to be consulted. The noble Earl who made the motion [Bristol] however ministers might think him their enemy in that House, was a well-wisher to government, and a firm friend to his country. His abilities and knowledge in his profession were undoubted; his council, therefore, relative to the marine department, on which at this moment our all depended, might be highly valuable. The noble Earl near him [Shelburne] had talents which did him great honour, and might be employed with infinite advantage to the state. The noble Duke in his eye [Duke of Grafton] had before discharged his duty in office, much to the credit of himself and of his Majesty; others there were, who ought to be advised with.

His Lordship declared, that in all he had said, he spoke not from motives of personal pique and rancour; to the noble Lord at the head of the admiralty he had none, and he thanked God he had none to any Lord in the House. He was far from condemning the noble Lord as yet upon any ground of accusation, perhaps he might be innocent of every one that had been alledged; he knew him to have great zeal for the honour of his King and the interest of his country; and that on many occasions he had shewn the utmost alacrity as a minister, and the utmost attention to his official duty. He knew he was attached to it: but in cases like the present, it behoved every man to speak his sentiments; the interests of every individual were at stake, because the interests of every individual were necessarily involved in the general interests of the kingdom. He was as yet, however, at a loss how he ought to vote; heavy charges were made on one hand, and positively denied on the other. There was no proof either of the

the allegations or the answers before their Lordships. He wished that the House would adjourn to their committee-room, and sit from day to day, till they had examined into the validity of each charge. The noble Earl who made the motion said he had papers in his hand to prove his assertions; if those papers were laid upon the table, they might assist their Lordships in their investigation of the truth of the several facts which had been stated; but their Lordships, even then, could not go into the investigation at the late hour of the night.

He took occasion to state his principles respecting the right of taxation of America, which he said he had been taught by that honest and able minister Mr. Grenville, and under his father, to consider as inherent in this country, however expedient it might be for her to wave the exercise of that right occasionally, or forego it altogether. He declared his defence of ministry for pursuing the American war had been entirely founded upon principle, but that the case was materially altered when ministry thought proper to abandon every one of their avowed objects. His Lordship concluded his speech with saying, that upon the whole he wished a spirit of enquiry might go forth, and that the enquiry might be full, free and impartial. That there must be some known and declared object to justify the continuation of the American war, which had proved so ruinous and disastrous; that in regard to France, no honourable peace could be made with the common enemy unless her marine was extinguished, and by that extinction a vast increase of trade was obtained to this country, in order to indemnify her for the enormous expences of the war; above all, he advised ministry not to dream of peace upon dishonourable terms. The noble Lord at the head of the admiralty said that France was fortified, and this country was open; it were better that we were to fortify our coasts, and that every man, capable of bearing arms, should turn out, and be obliged to serve his country, than that we should patch up a hollow truce with France, for fear of the intervention of Spain.

Earl of *Abingdon*. The last noble Lord having said that he took his ideas from Mr. Grenville, and that from that time to this, he had thought, and should continue to think, that this country had a constitutional right of taxation over America, though ministers, who had helped to confirm him in this opinion, had now given up that right, his Lordship rose to speak to that point, and said, that the very reverse of that doctrine was the truth; that this country had no constitutional right of

of taxation over America; that such a right was subversive of the constitution, for America was not represented in Parliament; that these were his principles, and should continue to be so, though his life should pay the forfeit of them. He said, that he adopted no system but that of the constitution; that he belonged to no party, but such as supported the constitution; that faction was his abhorrence, from the example of ruin which the faction of government had brought down on this country; that truth was his object, and plain common sense the handmaid that led him to the embraces of it; that on this ground he had set up the constitution of England as his idol, for in this there was truth; that under this constitution he was born, and being so born he was bound to protect it; that it was the common centre, around which the whole globe of state must turn, and every deviation therefrom, like the fiery comets moving through their eccentric orbs, carried ruin and devastation along with it; that such a comet had appeared in this reign, for by overleaping the bounds of the constitution, torrents of blood had been spilled, and wretchedness and misery upon the human race had ensued. He said, Good God! that any man or set of men should be suffered to run a course so destructive of humanity; that a dead and corrupt majority in Parliament had presumed to violate the laws of nature, and take away the rights of the people of England, which no man or set of men can do; and that they had done this, let the acts of parliament they had passed be the proofs in evidence against them; that in doing this they had acted, for corruption's sake, against their feelings, their reason, their judgment, and, above all, against their consciences; a silent monitor, which will not fail to admonish them in this world of the punishment which they will receive in the next.

That the alpha and omega of his politics was reformation, that look at home (the motto of the Congress paper money) was his maxim; and that if we had done this in the beginning of all, this villainy in America would never have taken place; that the fountain-head was foul, and must be purged; and until this be done, all that flows from it will be impure and corrupt; that even now it was not too late to begin reformation, if men were really in earnest; that it would do more good than all our fleets and armies put together, and without it there would no peace on earth; that the present war was a war against human nature, a butchery, in which we were the butchers, the aggressors, and the sinners *ab origine* against the constitution.

Earl *Gower* confessed, that he had every reason to believe Admiral Keppel was inferior to D'Orvilliers, when he sailed the first time from Portsmouth; yet he was of opinion, that the measure of sending him out was perfectly justifiable, in order to protect and favour, by his presence in the Bay, the safety and return of the trade fleets, then upon their way home, from every quarter of the globe. He believed, and had good reason to do so, that the Brest fleet, when Mr. Keppel sailed with twenty ships, might have consisted of twenty-six at the most; and when general censures were thrown upon administration for their supposed conduct towards Mr. Keppel, he begged to be excluded. He protested he had no hand in it, whether right or wrong, because he knew nothing of the affair, till the trial was ordered. He knew the admiral long before he ever went to sea, when they were children together; and he never entertained a second opinion of him, either as a seaman or a man. He was a most able officer; he was an honest man. He denied that either Mr. Keppel or Lord Howe had been driven from the service. They had motives for declining to serve, and perhaps very good ones. He was very sorry that any cause, real or imaginary, should deprive the country of their services; and he was equally so, as he feared the nation would shortly suffer another signal loss, by a resignation which he understood was on the eve of taking place [Sir Robert Harland.]

Lord *Shelburne* rose next, and went through a great variety of matter, the following passages of his speech were, however, the most striking.

His Lordship pointed out the almost total want of discipline aboard the fleet, and the absurd and monstrous measures adopted by ministers, respecting its distribution of our marine as well as our military force, both in America and the West-Indies. All North America was left defenceless, without so much as a single ship to defend it. In the West-Indies, there were seventeen left idle and unemployed, and the admiral tied there, waiting for instructions from Europe what to do next. The general at St. Lucia in the same situation, and stationed there only to superintend an hospital, filled with five thousand of the best troops in Europe. General Prevost in nearly a similar situation in Georgia; and Sir Henry Clinton returning home for want of a reinforcement, the troops intended for that service, which should have been sent off early in March, detained by contrary winds. God knows when *they may* get there; and when they do, the campaign will be *so far spent*, as to render them entirely useless for this year.

He

He spoke very fully to the total want of discipline aboard the fleet; talked of a mutiny aboard the three flag ships in the western squadron last year, and observed, that the treatment Sir Robert Harland received while giving his evidence at the court-martial now sitting at Portsmouth, was a very bad omen of what would probably happen, if he went to sea with two of the members [supposed to mean Digby and Derby] of that court-martial, who were rear admirals, with whom he must co-operate, and might be called to command.

The Lord *Chancellor* opposed the motion on the ground of a want of evidence; no fact had been proved, because none had been asserted on one side which had not been contradicted on the other. If any thing was meant to be seriously urged, the facts should be enquired into and proved; but it was monstrous to suppose, or presume, that their Lordships would come to a vote of censure or removal, without a single proof being adduced of the facts which were urged in its support.

The Duke of *Grafton* produced a note of the noble Earl's expression [Sandwich] which he had denied, dated the 20th of November, 1777. He said, he took it while the noble Earl was speaking, and transcribed it fair, before he left the House. The note, after stating the assertion about the forty-two ships of the line, further reported, that the noble Earl, in reply to what had been urged to the contrary by Lord Chatham, said, "That no man was fit to be first Lord of the admiralty who did not always take care to have a fleet equal to the fleets of France and Spain."

Earl of *Coventry* confirmed the charge of the noble Earl's engagement. His Lordship did not confine himself to a single time, but said, he had heard him repeat it very often.

Earl of *Effingham*, in reply to the Lord Chancellor, said, the argument coming from him, was the most extraordinary he ever heard; for the noble and learned Lord had uniformly, on every motion for information respecting the admiralty, opposed the giving way, and now had the modesty to argue against the motion, for a want of those proofs which he had been chiefly instrumental in witholding; for when two, if not three, of the members of the cabinet were for giving the papers, containing copies of the orders sent to the Corke victuallers to proceed to Philadelphia, after it had been evacuated, as well as in various other instances, since the commencement of the session, his Lordship alone set his face against it.

Lord *Craven*. The noble Earl [Sandwich] having attributed the present deficient state of the navy to the most deplorable and despondent situation in which he found it upon his coming to

the head of the admiralty, Lord Craven said, that he could not admit of the noble Earl's inference, that the present deficient state of the navy was owing to the deplorable and despondent situation in which his Lordship found it, because the six millions of money and upwards, which it appears that noble Earl had received more than any of his predecessors in the same given time, was sufficient to shew that this ought not to have been the case; yet as to the fact which the noble Earl states of the deplorable and despondent situation of the navy at the time mentioned, he perfectly agreed with his Lordship: for it was in his recollection, that, being of this opinion, he had had the honour to make a motion to their Lordships, as the Journals would shew, for an inquiry into the state of the navy, but a very few months before that noble Earl came to the head of the admiralty; and he remembered too, that a very different language was then held out to him, and particularly by that noble Earl himself, who not only debated against the question, but divided in a considerable majority against it. His Lordship [Craven] then desired that the motion upon the Journals be referred to, and which being read to the satisfaction of the whole House, his Lordship concluded with saying that to the other charges which had been brought against that noble Earl [Sandwich] was now added the conviction of the inconsistency of his conduct.

The question was put, and the House divided; for the motion, 39; against it, 78.

Dissentient,

Because, as it is highly becoming this great council of the nation to address his Majesty for the removal of any minister for neglect of duty or incapacity, in order to prevent public detriment; so we conceive the notoriety of the facts in this debate sufficiently warrants, and the present alarming situation of public affairs loudly calls for this interposition.

ABINGDON,	BOLTON,
COURTENAY,	HARCOURT,
CRAVEN,	GRAFTON,
KING,	FITZWILLIAM,
FORTESCUE,	RICHMOND,
SPENCER,	STAMFORD,
FERRERS,	EFFINGHAM,
MANCHESTER,	PORTLAND,
ROCKINGHAM,	CAMDEN,
BRISTOL,	EGREMONT,
SCARBOROUGH,	PEMBROKE,
RADNOR,	DE FERARS,
WYCOMBE,	

Dissentient,

Dissentient,

Because having made the motion alluded to in the above dissent, I think it incumbent upon me to let posterity know the particular grounds I made that motion upon.

First, Because, since the year 1771, there has been 6,917,827l. 5s. 0½d. granted for naval purposes, more than was granted in an equal number of years, between 1751 and 1759, for the use of the navy, although we had been four years at war with France within that period.

Secondly, Because the navy of England appears to be reduced from what it was in the year 1771, when the present first lord of the admiralty succeeded to the head of that board, notwithstanding the immense sums granted for its support and increase since that time.

Thirdly, Because it appears, after having received such repeated intelligence as hath been acknowledged to have been received from the 3d of January, 1778, to the 27th of April following, of the equipment and progress of the Toulon squadron, to their sailing on the 13th of April, 1778; the not sending a squadron into the Mediterranean, to watch the motions of, and endeavour to intercept the said French squadron from passing the Streights, nor sending any reinforcement to Vice Admiral Lord Howe, or even dispatching Vice Admiral Byron till the 9th of June, 1778, was exposing the fleet, as well as army of England then employed in America, to a very superior force of France.

Fourthly, Because it appears the sending of Admiral Keppel off Brest, the 13th of June, with twenty sail of the line, when the lords commissioners of the admiralty knew, or ought to have known, that the French fleet then actually at Brest, and fitting for sea, consisted of thirty-two ships of the line, besides many heavy frigates, might have been productive at that time of the most fatal consequences to the only considerable naval force this kingdom had then ready for its protection, but also to the trade, and even the ports of these kingdoms. And if Admiral Keppel had remained with his twenty ships of the line off Brest, he must with those twenty ships have engaged the French fleet of thirty sail of the line, who sailed on the 8th of July, as Admiral Keppel could not get the reinforcement even of four ships of the line to join him till the 9th of July, although he was then at St. Helen's for that purpose.

Fifthly, Because it appears we lost the valuable island of Dominica for want of timely reinforcement, and proper instructions being sent to Admiral Barrington.

Sixthly, Because for want of the smallest naval force being sent to the coast of Africa, we have also lost the valuable station of Senegal, which might in time, with proper attention, have opened new markets for our drooping manufactures.

Seventhly, Because it appears that the admiralty, without any deliberation whatsoever, having so precipitately ordered a court-martial upon a commander in chief of great rank and character, which Admiral Keppel bears in his Majesty's fleet, was frustrating the salutary intentions of that discretionary power, lodged by the constitution in the lords commissioners for executing the office of Lord High Admiral of Great-Britain, whereby all malicious and ill founded charges (by whomsoever exhibited) may be avoided, and the union and discipline of the service not interrupted.

BRISTOL.

A List of the Peers who voted for the Removal of Lord Sandwich.

Gloucester,	Foley,
Cumberland,	Fitzwilliam,
Grafton,	Craven,
Devonshire,	Chedworth,
Marlborough,	Abergavenny,
Manchester,	Beaulieu,
Portland,	Berkley,
Richmond,	Besborough,
Bolton,	Cholmondley,
Rockingham,	Harcourt,
St. Asaph,	Jersey,
Peterborough,	King,
De Ferrars,	Chedworth,
Shelburne,	Radnor,
Abingdon,	Pembroke,
Bristol,	Spencer,
Camden,	Walpole,
Effingham,	Courtnay,
Ferrers,	And
Lyttelton,	Hereford, by proxy.

April 26, 27, 28, 29, *and* 30.

Private business.

Adjourned to May 3.

May 3.

Greenwich Hospital enquiry.

The

The Duke of Richmond moved, that Lieutenant *Gordon* be called to the bar.

The purport of his evidence was, that the civil interest, or landmen enjoying civil offices in the hospital, who, by virtue of their said offices had seats in council, had gained such an ascendency over the rest of that body, as to render every reform towards the redress of abuses totally impracticable, unless it was of such a nature as to fall in with their own views. He stated, that there were fourteen military and six civil officers who had seats in council; but that by management, the smaller generally became the majority. Threats, persuasions, and temptations were held out, to induce the military to come over to and unite with the civil; and those too of such a nature as not to be easily withstood; one in particular of which was, that such an acquiescence was the only sure road to preferment and favour, being represented by the civil interest as highly agreeable to the first Lord of the admiralty-board.

Earl of Sandwich, seeming to be much agitated, put the following question to the witness rather in an angry tone.—Whether, from his own knowledge, voting with what he called the civil interest, was the sure road to favour or preferment?

Here the Duke of Richmond interposed; desired the noble Earl to abstain from such an overbearing and intimidating mode of interrogating the witness, and insisted, that in future, the questions should be put regularly through the chair.

Lieutenant Gordon replied, that he could not exactly say from his own knowledge; but he had such frequent proofs, from what he saw and what he heard, as fully persuaded him that means were made use of to influence the military and bring them over to the civil interest; but he hoped, that his own conduct was such as not to have afforded any proof of the success of that scheme, consequently it could not be expected that he could adduce any positive proof arising from his own knowledge. Before he retired from the bar, he gave the most honourable testimony to the character and conduct of Captain Baillie, who, during his continuing lieutenant-governor, was looked upon by the pensioners more in the light of a parent than a commander, the wish of whose heart was to promote the welfare of the hospital, and the ease, quiet, and comfort of the superannuated, lame, and worn-out seamen.

Goff, a pensioner, was next called, to prove the insolence, haughtiness, rank folly, and oppressive temper of the first chaplain, Mr. Cooke. Seeing a brother pensioner with his hat in his hand constantly when at the door of the council-chamber, he [Goff] reprehended him for such unnecessary servile behaviour, observing, that one salute was sufficient. This coming to the ears of the chaplain, who was the person that looked for those repeated acts of supererrogated servility, Mr. Cooke made a complaint against him, the consequence of which was, that he was reduced from the rank of boatswain to that of a private pensioner. Several persons below the bar observed, loud enough to be heard by Mr. Cooke, that this attention to polite *etiquette*, or rather upstart superciliousness, was not very consistent with the character and conduct of that pattern of humility, for which the founder of that sect, of whom Mr. Cooke professes himself a disciple, was so celebrated.

Moore, the cook, was next examined to the bad beef and the putrid veal served in the infirmary; and confirmed the testimony so often repeated on that head. His narrative, from which he could not well retreat, was seasoned, however, with an oblique reflexion or two upon Captain Baillie; one of which was, that Sir Charles Hardy said, that the lieutenant-governor was a busy fellow; the other, that there was little occasion to push matters to extremity, for the first Lord of the admiralty, to whom he wrote upon the subject of those complaints, was always ready to redress them as soon as known, and returned him an answer full of candour, and a desire to compel immediate justice.

Mr. *Cust*, one of the directors, and of the committee to which the complaints in Captain Baillie's book were referred, was next examined. His narrative contained an account of the different steps taken previous to the formation of the committee of enquiry, the proceedings of that committee, &c.

He then enumerated the charges stated in Captain Baillie's book, which he, as one of the committee, looked upon himself obliged to hear the proofs of.

First, respecting abuses which subsisted but had been remedied.

Secondly, charges respecting abuses then subsisting and which called for a remedy.

And, thirdly, libellous and traductory charges respecting the directors, the officers of the council, the civil officers of the

the hospital, the chaplain, clerks, &c. This was his idea at the time, nor had he since changed his opinion. The conduct of Captain Baillie was, in his opinion, an object of the enquiry as well as any of the abuses contained in his book. It had created a great deal of discontent in the hospital: it was productive of great confusion, and, if not timely remedied, might have terminated very fatally by affecting the good government of the hospital. He never understood the enquiry to have been intended as a partial one, if he had, he would have declined to act. The committee, he presumed, was to hear all the parties, and finally decide and report upon the evidence which came before them. Several strong objections had been made to the conduct of the committee while he sat in the chair, both as to the mode of proceeding and other particulars; one in particular, the admitting Mr. Morgan as counsel, and permitting him to shape and mark out the charges, and the succession in which they were to be placed and considered. This struck him as very reasonable. Mr. Morgan acted as counsel for the parties traduced, who, conscious of their own innocence, were entitled to the favour surely of having truth investigated in the most simple and expeditious manner. Mr. Cowley was allowed to be present in behalf of Captain Baillie, and was understood to be a person conversant in the law. Much had been said upon the refusal of the committee to admit a short-hand writer to take minutes, &c. There could be very little use for one, as no objection had been made to the notes taken by Mr. Cowley; and the motive which induced him, and, he believed, every other member of the committee, not to admit a short-hand writer was, lest partial and prejudiced accounts, pending the sitting of the committee, might have been circulated through the channel of the newspapers.

On cross-examination he acknowledged, that Messrs. Ibbetson and Everist were present writing at another table, possibly taking notes. They had no permission from the committee—they were not fordid.

Mr. Cust then went into a kind of exculpatory defence of the proceedings of the committee; after which he had the candour to acknowledge the following striking facts, on being interrogated by the Duke of Richmond; that he had presided in the chair for six days; that although he signed the report, he did not deem himself responsible for any part of the proceedings at which he was not present; that when he went to the country he never imagined that the committee would

would have so suddenly closed, or have proceeded to report till the whole of the evidence was heard, owning emphatically, that he was astonished on his return to town, when Mr. Ibbetson informed him thereof; that very improper language, in the course of the enquiry, had been made use of to Captain Baillie by the chaplain, Mr. Cooke, and the surveyor; that he was an able and assiduous officer, in his opinion, and had acquitted himself as such in the character of lieutenant-governor, and had been very active in detecting frauds and abuses, particularly those practised by the contracting butcher in several inferior instances: and he believed, on the whole, Captain Baillie, how much soever he might have lost his temper in the subsequent stages of that very disagreeable business, was induced first to embark in a plan of reformation, solely by motives of justice and a sense of duty. He did not come to that bar to accuse Captain Baillie, but he confessed his astonishment when he first read his book, in which it was evident that he had concealed many things, that according to that gentleman's ideas, ought not to have been concealed from the parties themselves, and yet gave the first intimation to the people at large, containing charges of a very criminal nature against persons with whom he apparently lived (some at least) upon terms of intimacy, confidence, and friendship.

Mr. *Barker*, one of the directors, and who presided in the chair the last day the directors sat, being the seventh day of the enquiry, was next called to the bar.

This gentleman's testimony contained nothing more than an attempt to justify the whole of his conduct as one of the committee; his justification was founded in an utter disbelief of the charges contained in Captain Baillie's book, so far as they were supposed to affect the characters of the civil officers or landmen; and as implicit a confidence in every thing advanced on the other side, which tended to exculpate them from the matters urged against them. He replied to an observation in Cowley's evidence, that he had attended but once in the committee previous to the day of making the report, and then only for an hour; whereas, he could affirm with certainty, and if it were necessary could bring proof, that on the third day the committee sat, he was at Greenwich at ten in the morning, and only while he was at dinner, which was no more than an hour, attended the committee till seven in the evening. He made what he called a short dinner.

Mr.

Mr. *Cowley* was again examined, and contradicted almost every thing deposed by the foregoing witness, and openly charged him with the most brutal, arbitrary, and unjustifiable conduct. Said, Captain Baillie repeatedly desired to have his witnesses heard, which the other as repeatedly refused; that the whole day, he meant the seventh or last, exhibited a scene of altercation, oppression, and the most scandalous abuse of Captain Baillie, in which besides trampling upon all order and decorum, the whole of that day's proceeding was replete with a degree of partiality and violence, that would have disgraced almost the lowest assembly of any of the lowest orders of the people.

Cowley farther observed, as to the fact which Barker had with so much confidence denied, that he was ready to go into the proof of it, if their Lordships thought proper; he meant so far as that Barker's attendance was but of a short duration, however short that gentleman's dinner might be; because he well recollected, that Mr. Cust had complained of the loss of time occasioned by Barker's long delay at dinner.

As soon as the last witness was ordered from the bar, the Duke of Richmond, called first for Sir Meyrick Burrel, and then for Sir William James.

It was answered, that Sir Meyrick was out of town, and would not be in town till Friday, and that Sir William James, after waiting below the bar till five o'clock, had gone home.

On this report being made, his Grace submitted to their Lordships, whether it would not be proper for the committee to adjourn till Friday.

Earl of *Sandwich* said, he wished that their Lordships would proceed. He complained of designed delay, and threw himself on the protection of the committee, that he might as soon as possible have it in his power to justify himself against the calumnious charges contained in Captain Baillie's book, what had passed the first day the committee sat, and the evidence given at their Lordship's bar in the course of the enquiry.

The Duke of *Richmond* said, that the noble Earl with his usual confidence and art, on other occasions, and more than once on the present, had introduced similar means of imposition and delusion into the enquiry in which their Lordships were engaged. He had not only made a general charge, a charge of intended delay in the conduct of this business, but had, with wonted address, laboured to fix it upon him, and to point him out to them as an accuser. He disdained the insinuation, and disavowed any such intention. He declared

clared he was ready to proceed that instant, in any manner the noble Earl pleased, and attend *de die in diem*, till the whole was finished; and said, he was astonished how the noble Earl, after being answered so often on the subject, could consider him in the light of an accuser.

Earl of *Sandwich* assured the noble Duke, that he had totally misunderstood him; that he neither wished nor meant any imputation whatever. On the contrary, he was ready to acknowledge, that his Grace had done every thing in his power to forward the enquiry, and that what induced him to rise, was only to press on the enquiry, in order that he might be enabled to enter the earlier into his own personal justification.

The committee, after some farther conversation of no consequence, adjourned to the next day.

May 4.

This day, as soon as the private business was over, the enquiry into the management of Greenwich Hospital was resumed. Mr. *Cooke* was the first witness called. His evidence was chiefly relative to what he knew of a negotiation opened, or proposition made, by Captain Baillie's counsel, for that gentleman's resignation of his post of lieutenant governor, provided he had an eqiuvalent. He remembered Lord Sandwich saying, that he was above any mean revenge, nor did he wish to ruin any man, and seemed inclined to make some provision for Captain Baillie, though he would never consent to treat, or have any thing to do with him. Being closely interrogated, as to the character of Captain Baillie, though unwilling to give a direct answer, the following was extorted from him; that he believed Captain Baillie a very honest man; but that his abilities were rendered useless by a most ungovernable temper.

He was equally costive, in respect of almost every question put to him, concerning what passed in his presence, relative to the proposition made by Mr. Murphy, in behalf of Captain Baillie; and after several unsuccessful endeavours to purge him, replied uniformly with a general answer, I do not know, or I do not recollect; and at length referred the committee to the testimony of the two next witnesses, who were to be called, [Messrs. Murphy and Butler] affirming, that he had very little knowledge and less recollection of the transaction, as he was no ways concerned in it.

Gloss, a pensioner, lately dismissed from the hospital, was next examined as to the cause of his dismission. He said, he knew no reason, unless it were for turning Mylne's dog out *of the painted* hall, on the preceding Saturday. Mylne was

clerk

clerk of the works, and he had no intention of offending him. The hall was now used as a chapel; therefore he thought it was not decent to permit dogs to foul it, so long as it continued to be used as a place of divine worship. Mylne, however, thought very differently on the subject: for when he learned the great offence he had been guilty of, he called him [the witness] a son of b—h, held up his fist to him, and after demanding his name, told him he would take care to mark him. The witness next proceeded to relate a fact relative to Mr. Maule, the under chaplain, which happened on the preceding Wednesday.

He had locked Mr. Maule's company into the painted hall; and he had been unfortunately one of the persons who was present in the Palace Yard, on the 22d of March, and cheered several noble Lords on coming out of their carriages, with "God bless your Lordships"—"Captain Baillie for ever, &c." that in particular, he cheered his Royal Highness the Duke of Cumberland: that whatever his offence might have been in beating Mylne's dog, or locking in Mr. Maule's companions, he was not punished till the day of his being present in old Palace Yard on the 22d of March, and cheering his Royal Highness the Duke of Cumberland.

On that day, in the morning, he was sentenced, by an order of council, to be degraded from the rank of boatswain, which he held in the hospital, to the state of a private pensioner; to ask pardon before the council, and stand on the pillory three days in the dining hall, on meat days, in the presence of all his brethren.

That the sentence was communicated to his wife, while absent in London, attending on the summons of their Lordships, and when he returned, he was satisfied to submit in every particular, but that of standing in the pillory, which refusing to do, he was totally dismissed from the hospital. He added, he had been nine years at sea, and five in the hospital, and had never been on the complaint list, but appealed to his persecutors and oppressors, whether he had not at all times been looked upon as a very diligent sober man.

Being examined as to the cleaning the paintings, &c. in the painted hall, he deposed, that he had diligently attended to the real expence, exclusive of the materials laid out in that job, the whole of which amounted to no more than 170l. that the men themselves employed in that busines, and two of Mr. Davie's, the contractor's sons, assured him, that his account was right. His reason for attending to a matter which did not seem to concern him, was, because the job was talked of as likely to prove extremely profitable to the contractor,

who

who was by agreement to have one thousand pounds for his trouble.

Mr. *Butler* and Mr. *Murphy* were then called to the bar. Mr. Butler was first examined, and an objection being stated by the Duke of Richmond to his being examined, as a counsel employed by Lord Sandwich in the negotiation with Mr. Murphy, Captain Baillie's counsel; after some debate relative to his having taken the oaths, being legally qualified as a barrister, and enrolled; Lord Sandwich acknowledged Mr. Butler to have been employed in the negotiation as an agent or solicitor, on which Mr. Butler was permitted to proceed in his narrative, which, stripped of repetitions and trivial circumstances, was in substance as follows.

That about the beginning of December, he met Mr. Murphy at Serle's Coffee-House, at breakfast; that the discourse happening to turn on the affairs of Greenwich Hospital, at that time a general subject of conversation, as the motions for informations were depending in the Court of King's Bench—which of them mentioned the subject first, he could not pretend. Mr. Murphy observing, that the rule to shew cause why an information, &c. was dismissed, wondered, that Lord Sandwich did not accept of Baillie's offer to resign upon an equivalent.

He asked Mr. Murphy, if he was serious? Murphy answered, he was; and would answer for it, that Baillie would resign, upon receiving a provision equal to what he would consent to relinquish.

On this, he, the witness, wrote to Lord Sandwich, acquainting his Lordship with what had passed at the coffee-house, and desiring to know when he might wait on him. His Lordship informed him the next morning.

He did accordingly wait on his Lordship, and related the substance of his conversation with Murphy the preceding day.

His Lordship seemed extremely averse to enter into any kind of negotiation; but, on reconsidering the respectable character of Mr. Murphy, at length consented that he [Butler] should give Murphy an answer on the subject of the conversation which passed between them. Here his Lordship proceeded to give his reasons to the witness, the substance of which was, that his Lordship wished Baillie to take himself away, in order to restore peace and tranquillity to the hospital. His Lordship consented farther, to see Murphy on the subject of the conversation, but refused to see Captain Baillie *at all.*

In consequence of this interview between Butler and Lord Sandwich, which he communicated to Murphy, Murphy dictated the following note, which he immediately forwarded to his Lordship.

Lincoln's-Inn, 12*th December*, 1778.

"Captain Baillie, upon having his suspension taken off, and receiving the intermediate profits, and being permitted to stay in the hospital for a given time, will then resign his office, an equivalent provision being to be made to him.

"He considers his place, in the hospital, worth 600l. *per annum*.

"Being desired to point out a mode, he thinks it may be done in the following manner:

"He understands Captain Kirk, a commissioner of the victualling office, would prefer to be lieutenant governor of Greenwich Hospital; he, therefore, may be appointed in Captain Baillie's room, and Captain Baillie will be content to retire upon his half-pay, if his son-in-law, Mr. Devisme, is appointed a commissioner in the room of Captain Kirk.

"Or a commissioner's place at Minorca for himself.

"In this case, he will do whatever is in his power to prevent any further disturbance on the subject, and the remaining copies of the printed case shall be destroyed, in the presence of any persons that will attend for that purpose.

"He hopes there will be no more printing on either side."

The witness stated, that he inclosed the above paper to Lord Sandwich the next day; and in answer, his Lordship desired that he might bring Mr. Murphy to the admiralty with him the next morning. They both accordingly waited on his Lordship. Mr. Cooke was present, and his Lordship read Baillie's proposals, as dictated by Murphy, in the above note. His Lordship again objected to having any thing to do with Baillie, but thought he could rely upon Mr. Murphy as a man of character. His Lordship proceeded to reiterate his complaints of Captain Baillie's conduct towards him; said, he did not wish to ruin him, or add to his distresses; but that the peace and welfare of the hospital required his dismission; that on these considerations, with or without giving the reasons of his resignation, if Captain Baillie resigned of his own accord, he would make such a provision for him as would render him easy in his circumstances. As to the Captain's proposal of an alternative, about a commissioner's place at Minorca, his temper, he was persuaded, was such as to

totally

totally unfit him for the public service in a civil line; and as to his son-in-law's succeeding to Captain Kirk's place at the victualling office, Captain Kirk, he said, did not wish to retire. That as the several matters urged by Mr. Murphy at this interview, such as offers to burn books, stop all enquiry, &c. in Parliament, the latter was not in his power, and as to the former, he might do just as he pleased with them; his only motive being purely, that he did not wish to ruin Captain Baillie, and that he anxiously desired to have peace restored to the hospital, which could not, in his opinion, ever be the case, so long as Captain Baillie continued lieutenant governor.

There was nothing more material said, till another proposition was made through the same channel. It was dated December 16.

"Captain Baillie, upon having an equivalent, is willing to resign his office of lieutenant governor, which provision may be either to him or Mr. Devisme, as before mentioned; but the resignation is not to be made till the provision is given.

"Captain Baillie wishes to have a ship, though it were but for one cruize, in order to go out of the hospital with credit, and to receive the emoluments of his office, till the compensation is given.

"Nothing done in this business, to keep the service from being open on any occasion."

This being immediately communicated to Lord Sandwich, the witness said, his Lordship replied that he could not consent, by any means, to permit Baillie to remain in office; that it would not be doing his duty to the hospital if he permitted him to remain there any longer; but if Captain Baillie would retire, he would make the provision pointed out in the last proposition for Mr. Devisme. If, on the other hand, Captain Baillie should not retire or resign, his Lordship would look upon it as controverting his right to displace him, and should proceed accordingly.

Here Mr. Butler went into a variety of collateral circumstances, calculated to corroborate his testimony, most of which were only within his knowledge, and that of the noble Lord, or were to be confirmed by his brother counsel, Mr. Murphy.

Mr. *Murphy* next underwent indeed a very long examination, previous to which, it may be presumed, he made one of the most extraordinary speeches, that was ever delivered at the *bar of an* House of Parliament. It was entirely in the *nolo*

episcopari

episcopari, affecting still a strong reluctance to reveal what it was apparent he secretly wished to disclose. He talked greatly of the hardships gentlemen of the profession would be exposed to, if compelled to reveal the secrets of their clients at the bar of a court of justice, the matter still depending. Such doctrine, were it to prevail, would cut up by the very roots all trust and confidence between counsel and their clients.

After this long harangue, Mr. Murphy indulged himself in various historical anecdotes, or a kind of Itinerary.

He spoke much of his chambers in Lincoln's-Inn, his going on the circuit, and what happened occasionally to him at both places.

Imprimis, he said, he never had the honour of seeing Lord Sandwich, to converse with him, but once, in the year 1769, at the assizes of Huntingdon, on the Midland circuit, at the sheriffs' or judges' feast, where after enjoying the pleasure of his Lordship's company, he invited him to Hinchinbroke, at which last place he had the honour of dining with his Lordship. From that time, he had no communication, directly or indirectly, with the noble Lord, till after he met Mr. Butler at Serle's Coffee-house.

Here Mr. Murphy entered into a detail of all the circumstances before related by Mr. Butler, in the course of which, besides confirming every thing advanced by Butler, he added a great number of minute particulars, that did great honour to Mr. Murphy's memory.

As it is impossible to follow these two respectable witnesses through the whole of their very curious and circumstantial details, it may not be improper or unentertaining, to lay before the public the different sentiments the two gentlemen, assisted by a divine of the church of England, conceived upon the same subject, though apparently inclined to establish the same facts, and make a similar impression upon the minds and understandings of the noble Lords within the bar.

Intended Examination of Mr. Butler, drawn up by Mr. Murphy, when the former Gentleman should come to be examined, at the Bar of the House of Lords.

First Question to Butler.—Was you present at any conversation between Lord Sandwich and Mr. Murphy upon the subject of Captain Baillie?

He must say, that he was.

Second Question.—Was it at the admiralty?

A. It was.

Third Question.—Did Mr. Murphy go there in consequence of a letter from you, informing him that Lord Sandwich desired to see him?

He must say, that he writ a letter for that purpose.

Fourth Question.—Before you writ that letter, had you made any proposal on the part of Lord Sandwich, to be mentioned by Mr. Murphy to Captain Baillie?

He must admit that on Saturday the 12th of December, he did tell Mr. Murphy, that if Captain Baillie would resign his office of lieutenant governor, Lord Sandwich would make an equivalent provision for Captain Baillie.

It may not be improper for the information of the public to state the depositions of Messrs. Cooke, Murphy and Butler, upon this very delicate subject, in the course of their several examinations, in order, that the impartial reader may reconcile, or endeavour to reconcile them, if he can.

Cooke said, in the foregoing part of this day's examination, though present, he did not hear Lord Sandwich say, that the directors of Greenwich Hospital had said, they would not act with Captain Baillie.

Butler deposes on the same subject, that Lord Sandwich said, with respect to what Captain Baillie had mentioned about Captain Kirke, he believed he was much misinformed, as Captain Kirke did not wish the change which was there mentioned.

Mr. Cooke, in the same day's examination, though present, did not hear Lord Sandwich say, that he must quarrel with the directors, or Captain Baillie; or the least like that; yet Mr. Murphy and Mr. Butler deposed, that Lord Sandwich did say so, and Mr. Murphy afterwards confirmed it.

Mr. Cooke never heard Lord Sandwich say, there was a great deal of right in Captain Baillie, though he has a perfect recollection of his Lordship's observing, that there was a great deal of wrong in him; yet Mr. Murphy being present at the same conversation, swears, that Lord Sandwich said, he believed there was a great deal of right and a great deal of wrong in Captain Baillie.

Cooke says, that he does not recollect Lord Sandwich's saying any thing upon Mr. Murphy's saying, he believed Captain Baillie's place was worth 600l. per annum.

Yet, Mr. Murphy afterwards said his [Baillie's] place may be worth 600l. a year, and I know if a man loses 600l. and has no other fortune, he must be distressed.

Cooke

Cooke does not recollect, that Mr. Murphy said Captain Baillie would print a third column to the report of the committee of the court of directors; Mr. Murphy nevertheless deposes that Butler said, that book, meaning the Report, must be published in two columns; to which he [Murphy] answered, that would do no good, for if the Report was published in two columns, he should advise Captain Baillie to print a third.

Cooke being asked, whether Lord Sandwich did not say, that if Captain Baillie did not resign his office, he should look upon it as a flag of defiance, answered he never heard Lord Sandwich say any such thing, or say any such words.

Butler however deposes, in the teeth of this testimony, that Lord Sandwich said, he should consider it as a defiance, if Captain Baillie did not resign his office.

Murphy positively swore, that Lord Sandwich said, that Baillie's place may be worth 600l. a year, his Lordship observing to the witness [Murphy] "I heard you estimate it at that sum in the Court of King's Bench;" yet Butler deposed, that when he read to Lord Sandwich Captain Baillie's proposal, in which his office was stated to be 600l. a year, Lord Sandwich replied, it was no such thing; and that he was very certain Lord Sandwich did not say to Mr. Murphy, that when he had stated Captain Baillie's place to be 600l. a year, he had stated it fairly.

A debate ensued on Mr. Murphy's being called to the bar, but on Captain Baillie's exonerating him from any engagement to which he might have been bound to him as his counsel, Murphy was permitted to proceed.

May 5 *and* 6.

Private business.

May 7.

The Greenwich Hospital enquiry resumed. Sir William James was examined. His evidence bore a near resemblance to that delivered by Mr. Cust and Mr. Barker.

As soon as Sir William James retired, Captain Baillie was called to the bar, at the instance of the Duke of Richmond, who acquainted the committee, that the Captain desired to be heard on the subject of the negotiation, which he observed had been so much misrepresented by Mr. Butler, Lord Sandwich's solicitor, and his own counsel, Mr. Murphy.

Captain *Baillie* then came to the bar and delivered himself in nearly the following terms.

As the matter of the negotiation with my Lord Sandwich, concerning the resignation of my office of lieutenant gover-

nor, has been heard at your Lordships' bar, with a variety of circumstances, the greater part of which have been represented materially to my disadvantage, I trust that you will permit me to point out whatever may be necessary to lay the true state of that transaction before your Lordships.

A great deal has been said concerning the secrecy which ought to be preserved by men of honour in their negotiations, and that all conversations about them are supposed to be confidential, and that the most profound secrecy is an implied stipulation.

It appears to me, that a man who means to act fairly has no secrets; I have in every stage of this matter declared that I have none, and I well know that I am struggling in a cause wherein nothing but truth and justice can support me.

When this negotiation was opened to me, a great deal was said to me about secrecy, in which I was willing to acquiesce, as long as I conceived myself to be fairly and honourably treated, because I understood it to be the particular request of Lord Sandwich that it should be so; though as his Lordship declared that he meant to act in the most generous manner, I wished for his sake thst secrecy had not been stipulated.

But, my Lords, when I found that the negociation evaporated into words, and that all which remained was little more than the most contemptuous indifference, the idea on which secrecy was stipulated was at an end; proposals were held out to me which ended in mockery and insult; and nothing could be more unreasonable than to suppose I could be under an obligation to keep such treatment a secret at the request of those by whom I had been insulted!

My Lords, that I was willing to exchange my situation in Greenwich Hospital for an adequate compensation, was so far from being a secret with respect to me, that I repeatedly pressed it to Lord Sandwich some years ago.

It was my indispensable duty to protect the pensioners to the utmost of my power, and it was therefore impossible for me to acquiesce in the scenes of fraud and oppression with which I was surrounded; but I foresaw the dilemma into which I might be reduced; and though I could not neglect the duties of my office, whilst I continued lieutenant-governor of the hospital, I wished to avoid the ruin which threatened me if I took any effectual steps for redress.

Your Lordships have already heard a letter from my Lord Sandwich in the year 1772, when this offer was first made to him, in which he expresses surprise at my wishing to retire,

retire, and pays me very unreserved compliments on my conduct in the hospital.

My Lords, the same offer was again pressed on his Lordship when I laid the complaints of the pensioners concerning their beer before him. I then found that I had lost his good opinion, though it appeared to me that I had persevered in the same line of conduct which he had before complimented.

I was told that I was troublesome; that I would not let business go on, and that the same thing would happen wherever I should be placed; a declaration which surprised me greatly, as I have been a zealous and faithful servant to his Majesty nearly forty years, in various stations, without ever having had blame imputed to me before; and I could not conceive that his Lordship meant to declare, that it was not in his power to place me in any situation under government, in which a man who would not be a silent witness to fraud and oppression could be employed.

From this interview, my Lords, which has left the strongest and most disagreeable impressions on my mind, I despaired of obtaining redress for the grievances of the pensioners, or relief for the mortifying insults I have met with in every attempt to protect them.

I was at length compelled to take the only step which remained within the line of my duty, that of an appeal to all the great and noble personages who form the general court of commissioners and governors.

My Lords, nothing could be farther from my wishes or expectation, than that the matter should have become public, or have ever assumed the appearance of disturbing government, especially in times so critical and dangerous as the present; but in all the subsequent stages of the business I have been compelled to be a patient spectator of the steps which have been taken preparatory to my ruin.

I have been brought before such a tribunal in the late committee of directors, as I trust never did before, nor ever will again, exist in this country; a court, wherein a part of the persons accused have sat as judges, and others of them appeared as evidence. The determination has been exactly such as was the necessary consequence of a court so constituted, where all material evidence (except of the persons charged) has been rejected; facts of the most glaring notoriety declared, not proved. I have been pronounced a false and malicious calumniator, and sentenced to lose my office in the most ignominious manner for having dared to accuse,

I have been compelled to sustain a most harrassing and expensive defence in the Court of King's Bench, which was discharged (with costs as they are called) that is, with about one half of the expence actually incurred, and no kind of recompence for the fatigue and anxiety of mind occasioned thereby.

My Lords, during the pendency of the prosecutions in the King's Bench, all my counsel, after they had read their briefs, told me, that after the great weight of uniform and respectable testimony which was contained in more than thirty affidavits, they could have no doubt of the truth of the state of the hospital which I had laid before the general court; but that however just my cause might be, the number, the influence, and the perseverance of my prosecutors would inevitably ruin me.

Mr. Bearcroft told me very kindly, that he would take an opportunity of speaking to the solicitor-general, to see if the matter could be accommodated, if I had no objection; I told him that it was already well known that I wished to resign my appointment in the hospital whenever an adequate provision should be made for me in any other station; but that I had no kind of expectation that the matter would then be accommodated, as I well knew the malice of my enemies, and that as they had obtained a rule upon six different motions in the Court of King's Bench, that nothing could stop them from trying the event of every one of them.

Mr. Bearcroft accordingly found his attempts to negotiate with Mr. Solicitor-General fruitless; and nothing could have relieved me from those informations but the clear justice of my cause, and the very able defence of my counsel.

I have since found, however, that Mr. Murphy made my case the subject of every indiscriminate conversation; and so far as his good intentions were employed, I consider myself as obliged to him, as it was a proof of his zeal and opinion of the truth and justice of my cause; but I neither consented, desired, or encouraged him to enter into any negotiation whatever.

But, my Lords, when the business began to wear a different face, when all the motions for informations in the Court of King's Bench had been discharged, when the great impression which the defence made on the whole court had been felt, when it was known that some of the first lawyers in the kingdom were of opinion I was entitled to a *mandamus*, the career of revenge was necessarily restrained.

When

When it was known that notice had been given that a general enquiry would be made in this House into the abuses in the management of Greenwich Hospital, I then for the first time began to expect that a negotiation would be set on foot. It was impossible that so corrupt a scene, and the history of so many abuses, could willingly be exposed before this great tribunal, and subjected to that censure which might be dictated by the wisdom and integrity of your Lordships; but I was so far from attempting to set such a negotiation on foot, that I very well knew if a proposal came from me, the very measure itself would prevent it; and I do most solemnly declare, that I did not, directly or indirectly. commission or desire Mr. Murphy to renew any of those applications which he had himself begun, and which I found he had made the topic of his conversation.

I was not, however, surprised when Mr. Murphy informed me that a Mr. Butler had entered into a conversation with him upon the affairs of Greenwich Hospital; and I do most solemnly declare I understood from Mr. Murphy that Mr. Butler's proposal came strait and direct from Lord Sandwich; and I was the more confirmed in this belief, as I had three or four days before heard it rumoured in the hospital, through channels which I knew to be authentic, that it was intended to remove Captain Baillie, by giving him an equivalent in lieu; and however accidental the meeting at the coffee-house then might be on the part of Mr. Murphy, it did not appear to me to be so on that of Mr. Butler.

That Mr. Murphy had been my counsel must have been a fact well known to Mr. Butler, though Mr. Butler's connections with Lord Sandwich were unknown to Mr. Murphy, as he himself informed your Lordships.

But admitting that the meeting was perfectly accidental, it was I, and not Lord. Sandwich that received information from it; I learnt that Lord Sandwich was now, for the first time, induced to give me a compensation; he was the only agitator in the matter; he sent for Mr. Murphy, but I made no application to Mr. Butler.

Under the circumstances in which the matter was stated to me, I had no kind of doubt, but that it was a deliberative message, and that it was at length intended to offer me an honourable and an adequate compensation in lieu of my office; I therefore held myself bound by the original proposal to Lord Sandwich which I had made, though it was long

fore the prosecution, in circumstances very different from the present.

I had undergone a long train of harrassing, expensive, and injurious treatment, I had resisted a very virulent legal attack, and my mind now glowed with hope that the great, and almost the only object of my wishes on this side the grave, the reformation of the abuses in Greenwich Hospital, would at length be accomplished by the proposed enquiry at your Lordships' bar, and that the great root of every other evil, the introduction of landmen, which had been in some measure sanctioned by the alterations in the charter, would be totally removed, and effectual precautions taken to shut out every possible sanction to the like abuses for the future.

Under these circumstances I listened with reluctance to the considerations of prudence which were suggested to me, the most prevailing of which were, that though the printed case and the subsequent enquiry had convinced many of the existence of the abuses, yet the pride of power was too great to yield immediately to these convictions.

Under these circumstances the negotiation was proceeded on; Mr. Murphy waited on Lord Sandwich at his desire, without my knowledge; and the two memorandums which have been read to your Lordships by Mr. Butler, were drawn up by my consent, but at their requisition.

On these papers I beg leave to observe, that it was so far from being understood by any of the parties, that Captain Baillie was the first mover or petitioner in this negotiation, that the paper which Mr. Butler called my *ultimatum*, drawn up by himself, begins with the words, "Capt. Baillie is willing to resign his office upon an equitable compensation to be given before-hand." This is certainly not the language of solicitation.

If my Lord Sandwich meant to act with the fairness, openness, and delicacy of a superior mind on this occasion, it seems reasonable to expect that he would have felt, that whatever was proper to be done ought to be done immediately, and that he ought not to have claimed confidence under the circumstances of this negotiation.

I found it was expected that I should permit the report of the committee to be printed, without reply or expostulation; that is, I was to permit myself to be proclaimed a liar, and a base, groundless calumniator throughout the kingdom. Such a proposal was the highest insult that could be offered to a man of honour, who felt the fullest convictions of the truth *of all his complaints*, and who had preserved through life a

fair

fair and unblemished reputation, as the first and dearest object of his attention.

My Lords, it is with great surprize, that I have heard myself accused of treachery by Mr. Murphy; there is not a man in the world scorns so base and criminal a meanness more than I do. When it was found that the negotiation ended only in the most inadmissible and insulting proposals, Mr. Murphy did himself draw out an examination for Mr. Butler; the negotiation, in an early stage of the enquiry, had been stated to this House; the circumstances were denied by Lord Sandwich; my character was at stake; and the reverend Mr. Cooke and Mr. Butler, connected as they are with Lord Sandwich, were not witnesses to support me in the truth of my assertions; my own brother might justly be supposed to be equally prejudiced in my favour.

I conceived that, under these circumstances, I had a right to the testimony of Mr. Murphy, and I was equally surprized and alarmed to find that he felt the utmost reluctance at being examined. I did not wish him to entertain any scruples, or to affect any secrecy on my account; but I found that his scruples and his delicacy arose on account of Lord Sandwich. I had not been at all prepared for a delicacy of this kind, as the conversations which I had hitherto had with Mr. Murphy, respecting similar transactions, had deeply impressed my mind with very different ideas from the eulogium Mr. Murphy was pleased to pronounce at your Lordships' bar, concerning the noble Lord: but I found that his delicacies had arisen in the conference which he had held with his Lordship; which conference appears to me to have detached him entirely from my interests.

My Lords, in this situation, alarmed as I was for my own character, I was glad to find that I had accidentally preserved the paper of examination intended for Mr. Butler. Mr. Murphy has told your Lordships, that it was a paper artfully contrived to draw Mr. Butler into a state of the matter quite different from what it really was. My Lords, I despise all such mean arts; and if I had understood it at the time, I would on no account have permitted it to have been done. I most solemnly protest to your Lordships, upon my oath, as I now am, I understood the paper literally, and I was greatly surprized to hear Mr. Murphy acknowledge, that he meant to treat a brother of his own profession in a way which appears to me to be really treacherous, and, in any other profession would be held to be base and unwarrantable.

My

My Lords, in this paper Mr. Murphy proposes, that Mr. Butler's hand-writing shall be produced against him; I felt myself compelled to take the same advantage of Mr. Murphy, that he had himself proposed to take of Mr. Butler.

Mr. Murphy's evidence and conduct drove me to the disagreeable necessity; and your Lordships have seen, that his mind is more hostile to me than that of Mr. Butler, whose evidence was liberal, compared with Mr. Murphy's.

My Lords, I trust I shall stand fully justified in your Lordships' opinions, when it is considered, that if it had not been in my power thus accidentally to compel the testimony of Mr. Murphy by this paper, I must have appeared to have advanced a most foul and improbable assertion, for which I should not have been able to have produced a shadow of proof; I should otherwise have had no support but the consciousness of my own mind, that the whole was true.

My Lords, no part of the evidence which has been given at your Lordships' bar, has surprized me so much as that of Mr. Butler, who has sworn that all orders of men in Greenwich Hospital have complained of Captain Baillie. My Lords, if this be true, I am ready to admit that all I have said about Greenwich Hospital is false, and I would gladly join issue upon this ground. I will tell your Lordships who they are that have recriminated, viz.

Five sea officers out of fourteen; three civil officers, that have been at sea; and a combination of landmen, consisting of eighteen or twenty persons, out of 2350 souls.

These, my Lords, are the men; these are the combinations alluded to by the noble Lord, that have prevented and obstructed Captain Baillie in his duty, and which was to be assigned as a public reason for my resignation.

My Lords, except those persons, and their immediate dependents, I trust, that my being restored to my office would be heard with sincere joy by all those who are the real objects of the charity.

My Lords, that ever I thought of resigning my office, was so far from proceeding from any dislike to the hospital, that my real wish has always been, that I might live and die in peace there, and rest among the pensioners.

I consider it as one family, the most venerable and respectable in the world; a family of brave old seamen, who are supported by their country, as a reward for their past services, at the head of which I generally presided; and I have no earthly wish equal to promoting their comfort and happiness; and no proposal, however advantageous, which could be made to

me,

me, would give me so much satisfaction, as to be restored to them, without the apprehension of being obstructed in my duty.

My Lords, I am also represented by Mr. Butler, as a man of the most violent and ungovernable temper, without his having produced a single instance of it. Lord Sandwich has himself given repeated proofs, under his hand, to the direct contrary; and the two late governors have also approved of my conduct in the hospital, as appears by their letters in October, 1772, ready to be produced, as well as the strong words in my warrant, "trusting in your care, prudence and vigilance."

I have likewise the misfortune to be accused of ingratitude; am I, in honour or in conscience, bound to see two thousand British seamen abused in all their interests, by way of shewing my gratitude to a noble Lord, after he had turned a deaf ear to all my repeated remonstrances?

Neither has my professional character, as an officer, escaped the censure of the noble Lord in the most public manner; and I therefore hope your Lordships' goodness and indulgence will be pleased to permit me to produce a letter from Mr. Cleveland, the late secretary of the admiralty, wherein it appears that my character, as an officer, is unimpeached at the admiralty.

As soon as Captain Baillie retired from the bar, Mr. *Godby*, the steward of the hospital, and Mr. *Bail*, the steward's clerk, were severally examined to the price and value of the shoes and stockings. In the course of the examination, though they acknowledged that the shoes and stockings were of an inferior sort, yet they said, they had been approved by a court of directors some years since; and that when any real complaints were made, such as the articles being inferior to those contracted for, they were speedily enquired into and redressed.

Mr. *Stephens*, secretary to the admiralty, was next called to the bar. His testimony went only to prove, that there could have been no general court held in the absence of Captain Baillie, that gentleman having been always summoned.

The Duke of *Richmond* observed that he had now called all his witnesses but Sir Meyrick Burrel.

While the committee were waiting for the attendance of that gentleman, Captain *Baillie* was called to the bar, in order to establish some facts relative to the conduct of Mr. Barker, the last day the committee of directors sat in Greenwich Hospital. He deposed, that Barker turned him rudely out of the Committee-room; that he would not permit Mr. Le

Fevre

Fevre to be examined; that Wells, another of the directors, told him, as he passed by him in his carriage, and was driving off, that the committee would sit again, but they should admit none but themselves on that day; that the eighth meeting was held at Salter's Hall; that not being summoned, he was not present at the eighth meeting, though every other director was summoned but he; and that he complained of this partial omission to Sir Charles Hardy, who seemed to entirely disapprove of it.

A short conversation arose between the Duke of Richmond and the Earls of Sandwich and Effingham, relative to the time and mode of the Earl of Sandwich entering upon his defence. At length it was agreed, there being no witness to examine but Sir Meyrick Burrel, that the Earl should enter upon his justification the day that gentleman was to be examined, his evidence being but very short.

As soon as this conversation was concluded, the Earl of *Bristol* rose and moved, that the House might be resumed, which being complied with, his Lordship rose to offer a few words, he said, to justify the motion he submitted to that House a few days since, which would include in it a fresh subject of complaint. The matter he alluded to was the late attempt made to invade Jersey by the French, which island, by the misconduct of the first lord of the admiralty, had been totally neglected. A single frigate stationed on the coast of France, would have at least given us notice of the enemy's intentions, and thereby have prevented them surprising it.

His Lordship then stated the current reports of the day, and called upon ministers to rise and declare the true state of that island, and what measures have been taken in consequence of the intelligence received by government. It was said, that Admiral Arbuthnot had without orders sailed for Jersey in quest of the enemy. The Admiral had done himself great honour, and proved himself an able and intrepid officer. The publick highly applauded his conduct. Did ministers approve of it? His Lordship was extremely severe on administration, on their treachery or incapacity; they, he said, had governed this country by flimsy expedients, or trusted the safety of the empire, with all its dependencies, to accident and mere chance. The orders and instructions given to naval commanders were purposely drawn up in such a manner, as to ensure a kind of irresponsibility in almost all events. They were full of chicane and indecision, and left officers to act entirely at their own discretion, though it was evident, *that no officer* could do so without running imminent risque,

because

because he was without that species of information which is requisite to enable him to trust to his own judgment.

His Lordship quoted a great many instances of this in the course of the war; particularly in respect of Admiral Keppel, Lord Howe, and Admiral Barrington; who were severally obliged to exceed their instructions, and had thereby saved their respective squadrons from destruction.

If any fresh proofs were wanting of the delusive and false hopes held out by the first Lord of the admiralty, a more striking instance need not be given, than the late attempt upon Jersey; for most certainly, if Admiral Arbuthnot had sailed for the place of his destination but a few days earlier, or had not those brave islanders shewn their usual loyalty, alacrity, and spirit, those very valuable islands, Jersey, Guernsey, &c. which serve in time of war as a kind of advanced post to these kingdoms, and of course tend to keep the enemy in check, would by this time form a part of the dominion of the crown of France.

He lamented the fatal measures which had led to such a succession of insult and disgrace. He presumed Admiral Arbuthnot's presence was wanting where he was destined; and observed on the probable fatal consequences which might arise from this necessary delay; besides the immediate inconveniences, which the detaining the trade fleets that were to go out under the protection of that gentleman, and more especially the provision store-ships and transport vessels with recruits and detachments for the armies in America, would occasion.

Jersey, however, was not the only part of even our home dominions that was left defenceless; Ireland and Scotland were equally so. He would not mention Ireland, because a noble Marquis [Rockingham] had given notice, that he should on Tuesday next lay the present condition of that distressed island before their Lordships. After looking at home, he begged their Lordships to cast their eyes abroad; to consider what was the naval power of France, and the naval force of Spain. France had her ports and marine arsenals full of ships. Spain a most formidable naval armament in Cadiz Bay, and a great many ships riding at anchor in several of its harbours, particularly at Rota. Many of their Lordships did not perhaps know what Rota meant; he would explain it: Rota meant in Spain, what St. Helen's did in England, a place of rendezvous, preparatory to squadrons proceeding on actual service.

After having spoke pretty fully on this head, his Lordship called the attention of the House to the present state of the Bri-

British navy. He did not believe, now at the end of the first week, in May, that we had thirty ships of the line ready for the home defence. This was a most melancholy consideration, fully sufficient to create in the breasts of their Lordships and the whole nation, the most alarming apprehensions. He did not chuse to urge this matter further at present; but he expected some one minister would rise and say, what force the French had sent against Jersey, and what efforts had been made on our part to counteract and defeat that attempt.

His Lordship sat down, and after a pause of a minute or two, no answer being returned, rose a second time, and pronounced with a very strong emphasis the following prediction.

That the calm and tranquil manner this alarming intelligence seemed to be received by their Lordships, was a calm, the sure forerunner of a storm; a storm of the most terrible kind; a storm which he hoped to God would overwhelm and destroy those weak and traiterous counsellors, who had given their Sovereign bad advice, and had urged him to the pursuit of those measures, and an adherence to them, which had regularly produced a succession of misfortunes, disappointments and disgraces, he had every reason to believe, that would terminate in the most dire calamities.

He declared, he had no motive in the part he now took, but to rouse their Lordships from that fatal lethargy which they appeared to be overpowered with, to stimulate them to stem the torrent which threatened to deluge this country in ruin, and which, if not speedily effected, would end in the dismemberment of the empire at least, if not the destruction of Britain itself as an independent nation.

His Lordship apologized for the strong expressions he had employed on the present occasion; said, they were not justifiable, but on idea of the actual necessity. The questions he had put to the noble Lords in administration, he confessed, were meant as questions to which answers were expected from the first Lord of the admiralty, and he expected to hear his Lordship satisfy the House, otherwise he should interpret that noble Lord's silence, to a mixture of guilt and insult.

Earl of *Sandwich* at length rose, seemingly with great reluctance; another pause having ensued, before he got on his legs, but not before he saw the noble Earl, preparing to rise for the third time.

His Lordship said, he was not prepared, little expecting that any part of that day would be occupied in the discussion of such a subject. He never underftood, that it was the duty

duty of any of his Majesty's ministers, to rise and enter into explanations concerning matters of state, when called upon by any individual Lord in his place, even in debating a motion upon previous notice, much less in a desultory conversation, like the present, in which no end whatever was proposed to be attained.

He rose, however, purely on account of the imputation of intended insult, than which nothing could be worse founded. His silence did not proceed from the least disrespect; nothing could be farther from his thoughts; and as to the general charges of treachery, inability, &c. which the noble Earl had so plentifully dealt out, all he had to say was, that the same charges had been made an hundred times before, and had been as often refuted. The noble Earl asked, whether Admiral Arbuthnot's conduct had been approved of by administration? He would answer that question, by assuring his Lordship, that it was, and his zeal, activity, and gallantry, highly applauded by them. He had wrote a letter to the admiral himself, to that very effect, which was accompanied and further confirmed by one from the admiralty-board.

As to the other question, relative to the attempt of invading Jersey, he wished to decline giving an answer, because he could not speak with precision on the subject. A very few days would, he trusted, enable him to give their Lordships full satisfaction on that head; for the present, he could only say, that he did not entertain the least apprehensions as to the issue, for he was sure that island was too much in force to permit the French to effect a landing.

The Duke of *Richmond* said, he could not remain silent, and let pass unnoticed some expressions which had fallen from the noble Earl who spoke last. He would confine himself to the proper subject of the conversation, and he thought his duty to their Lordships, the nation, and himself, rendered it incumbent on him to rise, and make a few observations on the language held by the first lord of the admiralty.

The noble Earl had in very direct terms affirmed, that Admiral Arbuthnot had already received the thanks and approbation of his Lordship and the admiralty-board; which implied, if it meant any thing, that the approbation of that board was an approbation of a breach of orders. He should say nothing of the insult and disgrace attending this attempt of our enemies, on our part; but he could not help remarking, that administration consequently confessed that they were totally ignorant of the enemy's intentions. If they

were not ignorant, the admiral broke his orders, contrary to their judgment; if they were, the inference was self-evident —their total incapacity to fill their present stations.

He had still hopes, notwithstanding what he now heard, that the admiral did not depart from, or break his orders; because such a precedent would be big with danger. He had himself been brought up to the profession of arms, and he should be sorry to see discipline so totally disregarded, much more to have a disobedience of orders described as a matter of merit, and as entitled to official approbation.

He did not mean, by what he had said, to call the conduct of Admiral Arbuthnot into question. By what he could learn, the admiral was a worthy man, and an able and deserving officer, and on the present occasion probably acquitted himself like an active, spirited, and vigilant commander: he only meant, and the occasion marked it highly necessary at this moment, to say, that where the safety of a kingdom depended on the judgment and wisdom, discipline and perfect subordination of officers of all ranks, employed in its service, that that kingdom which neglected those vital essentials, by presuming to commend, without stating the circumstances by the mouths of its ministers, an act which was at the same time partly acknowledged to be an act of disobedience, was most certainly arrived at one of the last stages of its ruin.

It was the duty of ministers to plan, and of officers to execute, as far as lay in their power; but there was no condition annexed to obedience; when there was, the orders became discretionary, and scarcely deserved the appellation of instructions; because it left the officer at liberty to act upon his own judgment, which, whenever it happened to be the case, where a particular service was pointed out and required, put an end at once to all discipline; the fundamentals of all good government were thereby shaken, and the principles of it abandoned, that is, the principle of responsibility and punishment: for neither the planners of measures, nor the executors of them, could justly be called to account. On the other hand, as long as the administration were deemed answerable for the plan, and the officers for the execution, he would be understood respecting the wisdom of the one, and the possible performance of the other, the nation had a proper pledge for the good conduct of their ministers and commanders.

Having explained this doctrine in all its parts, in a most able and correct manner, his Grace proceeded to take a short view

view of the affairs of Europe, so far as they were connected with, or might be supposed to affect, the interests of this country. He allowed that the period was critical, and forbid a total silence, except in such instances as were absolutely necessary for the preservation of the state; he should therefore speak under that reserve, and advert to no circumstance which did, in his opinion, exactly correspond with the rule and the exception. It was true, he saw no general cause of being reserved in Parliament, upon the stale pretence, that agitating public matters in that House might be the means of conveying improper and dangerous intelligence to our enemies; much less on that unconstitutional language lately introduced, that Parliament was no fit place for discussing topics merely relative to matters of state. The first was founded in delusion and deceit; because he was firmly persuaded that our enemies were, at all times, and upon all occasions, better informed of our naval and military force, both in gross and detail, than that House, and much earlier; and as to the other, it was a traiterous position, and struck at the very being and essence of Parliament, to say, that either or both Houses were not authorised to meddle in matters of state; or, which amounted to precisely the same thing, that such objects were too transcendent for their comprehension, and were above the deliberations of popular assemblies, or assemblies consisting of many persons; which in truth amounted to this, that the powers, whether vested in Parliament or inherent in it, extended no farther than a mere power to punish, but not to enquire, deliberate, or advise.

But the reserve he alluded to was of a very different nature; it was a reserve relative to interpretations put on the probable and immediate conduct of foreign powers, and the measures proper to be adopted, when the conduct of such powers scarcely remained any longer equivocal. He was much afraid that we stood nearly in that predicament with the court of Madrid. Spain was already armed, and in great force both by sea and land, particularly at sea. Her intentions could hardly be any longer misunderstood. The proper conduct of Great Britain, in such an exigency, required to be treated with some degree of reserve: it was a delicate subject, not because it might give Spain umbrage, though perhaps under some circumstances that itself might be a good motive for acting prudently and cautiously; but the real motive which forbid him from speaking his sentiments freely, was, that giving public advice upon such an

occasion would destroy the very end for which only it should be given. He therefore wished to be silent, farther than to recommend to ministers, in the most fervent and anxious terms, to turn their thoughts seriously to the present posture of affairs at home and abroad; to consider what we had to contend with, in case Spain should ally itself with France; to look forward to the means we had to avert any intended blow which may have been meditating; to our resources in men and money, our allies, probable or actual; and to measure and balance the whole, one against the other, considering, with wisdom and steadiness, the probable events, with all their necessary consequences.

Every thing dear or valuable to this country would of course be committed to the issue of such a possible contest; and, as the first step to a consideration of such immense importance and vast magnitude, it would be incumbent upon ministers and that House, or the former, if they chose to take upon them the responsibility attached to their official and cabinet situations, to be well and thoroughly informed of the real state of our marine. No single person's word should be taken on such an occasion; every thing should be made as plain as the noon-day. Was the navy adequate to the growing and probable services that would, in the event of a rupture with Spain, become necessary? Were the superior commanders and officers in general pleased with the conduct of the board under whom they acted? Was the first Lord of the admiralty a popular character, or had they a confidence and reliance upon him, in the trying times that were swiftly approaching? And on the whole, was there a fair prospect of success, glory, and victory, under such an administration of naval affairs?

These were all questions that well deserved to be enquired into, and appearances would justify answering every one of them in the negative. After the repeated complaints made by persons of the very first reputation in their profession; after the resignation of some of the most distinguished commanders, or, what amounted substantially to the same thing, their refusal to serve; after the many charges of gross incapacity and misconduct, made in that and the other House, against the marine minister, by the noble Earl who spoke last, connected with all the latter and preceding circumstances; made such a general impression on his mind, that he confessed his astonishment at the noble Earl's longer continuance in office. He declared, he should be ashamed to hold his situation longer, under such circumstances, where he in the place of the noble Earl after he found

found that thirty-nine Lords, and one hundred and seventy-six Commoners, had divided in support of two questions, actually framed for the purpose of dismissing him from his office by an address to the throne.

Adjourned to the 10th.

May 10.

Enquiry into Greenwich Hospital was resumed, and Sir *Meyrick Burrel*, one of the directors of the hospital, called to the bar.

Sir Meyrick did not chuse to subject his character to much animadversion, as he qualified every thing he said with an apology to their Lordships for his want of memory. He could not speak with any precision; he had been present but once, and, at this distance of time, retained a very imperfect recollection of what passed on the occasion.

He had not, from what appeared to him, formed any judgment upon the matter; all he could say was, that many strong matters had been urged, and that much contradiction arose, in the course of that day's investigation at which he was present, so much so, that neither now or then was he so well informed as to be enabled to give any thing like a decided opinion.

He acknowledged, that the day he attended he found Captain Baillie disposed to every thing which promised to forward the enquiry, and to comply with the advice of the committee, in order to facilitate their proceedings; and for the purpose of accommodating the wishes of his adversaries, he seemed ready to wave all complaints against the committee, and the manner of constituting it. He answered several pointed questions, put by the Duke of Richmond, in such a sort, as plainly shewed that he was above giving any answer which might tend to impeach his honour, though he could not charge his memory with the precise words; such as—He did not know; he could not affirm, but he supposed and believed that such circumstances happened; and, such words passed.—The reverend Mr. Cooke did not seem to be well pleased with Sir Meyrick's testimony, though he was often heard to pray most fervently for that ancient gentleman, during his examination, as was likewise Mr. Mylne, the clerk of the works; but Sir Meyrick would have his own way.

Captain *Allright* was next called, who, after passing the highest eulogiums on Captain Baillie, in the capacity of lieutenant-governor, gave many instances of his merit, in particular cases; among others, of his uncommon diligence and disinterestedness, his indefatigable industry, as well in detect-

ing as in remedying the enormous and shameful abuses which had gradually been increasing, and daily introducing, into the hospital, mentioning the affair of the bull-beef contractor, the fraud committed on the pensioners, by serving them with greasy water instead of broth, with meat boiled to rags instead of that containing nutriment, and the plundering the seamen of their portions, by giving the meat to persons who had no manner of right to it, &c. Captain Allright's evidence seemed to make strong impression upon several Lords.

Lord *Ferrers* moved, that the House be resumed, in order to swear a Mr. Boxley, whom he had represented, on the 7th, as a person very proper to be examined. His testimony contained the following facts.

That he had acted as deputy to Alexander Hood, Esq. by virtue of a letter of attorney, and had a salary of 200l. *per annum*, house, coals, candles, &c. that he paid the steward of the hospital for himself and clerks; that he also paid various other sums, occasionally ordered by the board of directors, for the current expences of the hospital; but could not say for what uses; he did not know precisely the produce of the Derwentwater estate. He said the sums drawn from that estate varied from year to year, sometimes more, sometimes less; that neither Mr. Hood the treasurer, nor he, had any controul or check upon those receipts, because the amount of the profits were transmitted or remitted in bills, which he had no more to do with than to give credit in the general account; that, according to this mode, the net proceeds of the Derwentwater estate were no more than 15,000l. for the year 1778, and that the whole of the revenue, the same year, including every fund which came into his hands, was about 61,000l.

The witness then read, from a memorandum which he held in his hand, an account of the net produce of the hospital revenues derived from the Derwentwater estate, from the year 1771 to the year 1778, which appeared upon an average to be short of 20,000l. a year.

Mr. *Ibbetson* was next called, and went into a fuller detail. He explained the mode of making up the accounts, by the persons immediately employed in collecting the rents, and other produce, such in particular, as the lead mines; but he was cautious in fixing the average of the net produce, observing, that that must entirely depend upon contingencies.

He acknowledged, after being closely pressed by Lord Ferrers, that the living of Simonburne, in the possession of Mr. Scot,

Scot,* was thought to be worth 1000l. *per annum*; that if such a living were divided into so many portions, it would make a comfortable provision for four navy chaplains; that the hospital had lately purchased a turn of the right of presentation to the rectory of Alston, another living on the Derwentwater estate, the great tythes of which they were at the time in possession of; but that no navy chaplain was either in possession, or was promised to succeed to the next vacancy.

The House adjourned to the next day. Ordered to be summoned on the Marquis of Rockingham's motion.

Committee on the enquiry into the management of Greenwich Hospital adjourned to the 13th instant.

The Duke of Richmond gave notice, a few minutes before the committee rose, that the evidence was finally closed in support of the allegations set forth in Captain Baillie's book.

May 11.

Dissenters' bill read a third time; carried unanimously, the Duke of Chandos's single *no* excepted.

Marquis of *Rockingham* rose, and entered into a long computative and arithmetical detail, shewing the comparative ability of Ireland to bear burdens, to what it had been at former periods, not far distant.

His Lordship's opening was chiefly directed to meet such objections as he imagined might be made against the proofs he meant to adduce, of the real distress of Ireland. His detail was accurate and important, as it presented two objects worthy the attention of the British administration, first, so far as the consequences might be supposed to affect them personally; secondly, as it might probably affect, and that in a most serious manner, the people of Great Britain.

He first stated the revenues of Ireland, the out-goings and savings in the year 1775, during the administration of the late Marquis of Hartington, afterwards Duke of Devonshire, and proceeded regularly, through each successive administration, till he brought it down to the present viceroy, Lord Buckinghamshire.

---

* The well-known author of the well-known paper, entitled *Anti-Sejanus*, in which the King was compared to Tiberius, and Lord Bute to his minister and favourite, Sejanus. This paper was written when Lord Sandwich was turned out in 1765. His Lordship was never thoroughly forgiven his past transgressions at St. James's, till he distinguished himself in a speech against Lord Chatham, on the Middlesex election, in February, 1770.

In 1755, and for some years after, the whole of the civil and military establishment amounted, for the two years, that being the mode of voting the parliamentary grants of that kingdom, to about 1,200,000l. on an average, 600,000l. *per annum*; whereas, of late years, the grants were little short of 2,000,000l. or 1,000,000l. *per annum*. At that period too, in the course of five years peace, the debts contracted during the preceding war had not only been paid off, but there was a surplus of 260,000l. in the national treasury, the greater part of which was applied to public uses, such as canals, churches, bridges, &c. in bounties for the encouragement, and promoting the extension of agriculture, arts and manufactures, land-carriage of corn, carrying it coastwise, to the Dublin society, linen manufacture, and the fisheries.

His Lordship made a progressive statement of the grants and taxes, the civil and military establishments, and pension-list, under each successive administration—that of the Duke of Bedford, Lord Halifax, Duke of Northumberland, and the Lords Weymouth, Bristol, Townshend, Harcourt, and the present viceroy, in the course of which he shewed that the public expenditure imperceptibly increased in each respective branch. He stated, that a debt was necessarily incurred during the late war, the out-goings exceeding the public income. But what rendered the condition of Ireland a most extraordinary one indeed, and contrary to the usage of all other states under the sun, was, that after the peace of 762, instead of paying off the debts incurred during the preceding war, they yearly continued to augment gradually and regularly, for the last fifteen years of peace; a circumstance not paralleled in any country he ever heard or read of; nay, more, that the debt increased in opposition to new taxes. Taxes, in the course of the last four sessions, were laid on; money was uniformly borrowed; and, at the end of the two years, when the national accounts came to be settled, fresh deficiencies appeared on each new loan, and fresh taxes were laid on, in consequence of them. In short, it was a mode of policy adopted, that of taxing and borrowing and pledging the public faith, till not a shilling more could be procured.

A *tontine* scheme, or a plan of paying an high interest on annuities granted upon lives, with benefit of survivorship, was the first: this not answering the exigencies of government, stamp duties were then laid on; and lastly, a vote of credit; notwithstanding which, such was the exhausted, impoverished state of that country, that no money could be procured

procured upon so precarious a security. Indeed, the security amounted to no more than a mere national engagement that the public creditors would be paid some time or other; but that the funds offered as a specific security would prove equally deficient and unproductive, with those which had caused the very necessity of the desired loan.

The debt still continued to accumulate, and in the year 1777, the expenditure exceeded the receipts in the sum of 260,000l.

So long as England continued in a prosperous situation, though Ireland was drained, she had recourse to this country; but such was the state of both countries, in the spring of 1778, although the revenues of Ireland were hawked about London streets, and offered to be mortgaged for the sum of 300,000 l. a single shilling could not be procured or borrowed upon them.

After dwelling on those circumstances for a considerable time, he opened another head of argument, that of the immediate distresses of Ireland, which, he said, must in the end materially affect the commerce and manufactures of Great Britain. His Lordship stated the average of the exports to that kingdom, both from Scotland and England, for the last eleven years, ending in 1777—From Scotland, upwards of three millions; from England, upwards of eighteen millions: or from Scotland, 300,000l. and a fraction; from England, 1,600,000l. and a fraction yearly; the whole making twenty-two millions, or upwards of two millions a year, British export. It might be said, does not Great-Britain take the linen, provisions, &c. of Ireland in return? Certainly; but it was to be considered on which side the balance lay, whether in favour of this or that country. He then, from authentic papers, shewed, that the balance of trade in favour of Scotland was above a million and a half, and in favour of England, above five millions, for the last eleven years. This led him to his grand conclusion, that of motives of interest; because, by the accounts, as last made up, it appeared that the export to Ireland for the last year had decreased one fourth: for in 1777 it was upwards of two millions, and in 1778 under a million and a half.

His Lordship entered into several circumstances which came within his own knowledge, particularly in the West Riding of the county of York: by the last returns of the number of broad woollens manufactured in that district, it appeared that there had been twenty-one thousand pieces less than the average of several years before, and eight thousand

narrows, or forest cloths; that he had made it his business to enquire the reason, and found it had been the failure of the trade of Ireland. He some time since conversed with a very considerable manufacturer in his neighbourhood, in the country, relative to the state of the trade of Ireland, so far as it was connected with the woollen manufacture carried on in the West Riding of the county of York, who constantly every year went over to Dublin to take orders, and who assured him, that by a letter received from his correspondent in that city, he was warned not to come or send; for he could not ensure safety to either his property or person.

His Lordship, besides the proof of the poverty of Ireland, by its daily incurring new debts; the insufficiency of the funds appropriated for the payment of interest and annuities, payable to the public creditors; the almost bankrupt state of the exchequer, and several other evidences of a similar nature; mentioned the circumstance of our being obliged to provide, in the committee of supply of the present year, 64,000l. for the pay of six regiments of foot, and one of dragoons, serving in America, or consent to have them disbanded.

His Lordship then proceeded to enumerate the several petitions sent by some of the counties in Ireland, the associations at the Tolsel in Dublin, and at several of the county meetings, particularly at Corke, Kilkenny, Wicklow, and Roscommon, some of them expressly resolving not to import, or use, or purchase, any of the manufactures of this country; others, less violent, Corke in particular, not to purchase or use any goods, but such as were manufactured in that kingdom.

His Lordship earnestly, nay, very warmly, pressed the necessity there was for giving Ireland relief, upon every principle of gratitude, interest, and sound policy, and pointed out the danger of irritating the people, lest, by being drove to extremities, they might, in an act of despair, be forced into resistance. He expatiated greatly on their loyalty to the government, and their reverence, zeal, and affection for the people of this country; it would therefore, he thought, as a mere matter of policy, be extremely imprudent to do any thing which might tend to estrange Ireland from her respect and veneration for her elder sister.

His Lordship, as well by his details as in argument, contended, that administration had neglected its duty towards Ireland; that all care and protection had been withdrawn; and that Ireland was precisely in that situation, which, if not speedily

speedily remedied, would, in the opinion of many, justify resistance. He said, the people of Ireland, by the most accurate computation, amounted to two millions three hundred thousand souls, whereof five hundred thousand were believed to be Protestants, in the proportion of three hundred thousand Dissenters to two hundred thousand of the established church. The Irish Catholics, it was true, had been favoured with some degree of religious toleration, and he was happy to say, so far as the example set by England could be supposed to operate upon the ruling powers in our sister kingdom, he took a share in the merit of that measure. On the other hand, so respectable and powerful a body as the Irish Dissenters were, ought not to be treated with contempt and unkindness, as they certainly had been in one instance; he meant the clause inserted in the bill for giving an indulgence to Roman Catholics, which clause was lost in the privy council of this kingdom. But he did not found his argument upon this or that distinction. People of all ranks, qualities, and religions there, were united as one man; they forgot all animosities and jealousies in the ruin which threatens them; and the great point of union and national cement which keeps them together is, not to import, purchase, or deal in any article of the produce or manufacture of this country. In this part of his argument he censured ministers highly, for their total neglect of the defence of that country; and pointed out the danger of permitting the people there to associate and embody in troops and companies contrary to law. When he said this, it was his opinion they had done very properly, in endeavouring to defend themselves when neglected by government. But ministers should have prevented the necessity of having recourse to such military associations; or if that was not practicable, in the present state of affairs, the people should have been legally commissioned and enabled to take arms. The matter now wore a very serious appearance; for though he was firmly persuaded, in case that country should be invaded by a foreign force, which was generally believed to be in contemplation, the Irish, with their usual loyalty and spirit, would defend themselves, and bravely repel the invaders; yet it was worth considering how far the same spirit might be exerted in resisting oppression and injustice from any other quarter.

After recapitulating the many and very important advantages we derived from Ireland, through the medium of our trade and commerce, the accession of strength she afforded in time of war, and the immense sums she remitted to her absentees,

monies

monies paid officers, pensioners, or spent on motives of pleasure or business, at the universities, inns of court, appeals in law and equity, &c. he observed, how unkindly she had been treated in every instance, how cruelly and oppressively in some. He reminded their Lordships of the compact made between both kingdoms in King William's time, when the Parliament of Ireland consented to prohibit the export of their own woollen manufacture, in order to give that of England a preference, by laying a duty equal to a full prohibition upon every species of woollens or even of the raw commodity; and of the solemn assurance given by both the Houses of the British Parliament, that they would give every possible encouragement, and abstain from every measure which could prevent the linen manufacture to be rendered the staple of Ireland. But how had England kept its word? by laying duties or granting bounties to the linens of British manufacture, equal to a prohibition of the Irish, and at the same time giving every kind of private and public encouragement to render Scotland a real rival to Ireland, in almost every species of her linen fabrics.

After describing the private as well as public distresses of Ireland in the most feeling language, his Lordship proceeded to contrast the deserts of the Irish nation, whose loyalty kept pace with the extent and magnitude of the calamities they felt. He instanced, in particular, their friendly and affectionate behaviour since the commencement of the American war; the zeal a d fidelity of that kingdom in the time of the two last Scotch rebellions; the uncommon efforts she made during the late war, and her uniform loyalty and attachment to this country in every trying exigency when engaged in a foreign war.

He said, he hoped, the importance of the object would strike every noble Lord with the propriety, nay, the absolute necessity of his motion; that the House would treat it with that temper, coolness and moderation which it so apparently merited; and attend to it as a matter in which every man in the nation was most deeply interested. He trusted, that their Lordships would not be led away by any partial ideas or narrow distinctions of local benefit or advantage, but meet it fairly as a question of state, in which both kingdoms had an equal interest. He would be extremely sorry that this or that town or district, that Manchester or Glasgow, or any other place, would supercede or render of none effect the wisdom of their Lordships' deliberations. He wished farther, that on the present occasion, all party or personal considerations would give way

to

to the general good, and that as they meant all the same thing, the interest of both kingdoms, their Lordships would not entertain a second opinion on the subject. It was a great object, and should neither be lost, abandoned, or evaded, It had for some years been unfortunately too much neglected, but matters were at length arrived just at that critical state, which would render it not only unwise and impolitic to lose a moment, but would afford an instance of obstinacy and want of feeling, little short of political insanity. His Lordship concluded a very long speech, in the course of which, he spoke to a great variety of matter of less importance, with making the following motion:

"That this House taking into consideration the distressed and impoverished state of the kingdom of Ireland, and being of opinion, that it is consonant to justice and true policy to remove the causes of discontent by a redress of grievances, and, in order to demonstrate the sense which this House entertains of the merits of that loyal and well-deserving nation, this House doth think it highly expedient that this important business should be no longer neglected, and that an humble address be presented to his Majesty, that his Majesty would be graciously pleased to take the matter into his most serious consideration, and direct his ministers to prepare and lay before Parliament such particulars relative to the trade and manufactures of Ireland, as may enable the national wisdom to pursue effectual measures for promoting the common strength, wealth, and commerce of his Majesty's subjects in both kingdoms."

Lord Viscount *Weymouth* rose in reply, and opposed the Marquis's motion on two grounds; because the House had no paper whatever regularly before them, relative to the distressed state of Ireland, which was held out as the ground of the motion that amounted to a matter of fact; secondly, because if a relaxation or appeal of any of the restrictive laws relative to the trade of Ireland should be moved, that could properly originate only in the other House.

His Lordship, after expressing his best wishes for Ireland, said, the matter at a future period might be taken up, and the necessary measures for affording relief to Ireland be adopted; but at present, without proof sufficient to warrant the terms in which the address was couched, and without the means of originating specific relief, he thought it his duty to move the previous question.

Duke of *Chandos*, after giving his opinion, that that part of the address which conveyed a censure or a charge of neglect in ministers,

ministers, did not meet his idea, both because he thought with the noble Viscount, that the House were not in possession of any evidence of the fact of neglect therein charged; and, that he had a full confidence in the conduct of administration. He highly approved, in other respects, of the motion made by the noble Marquis; and said, one principal cause of the distress felt by Ireland, was the continual drain from that country, in order to pay the great land-owners resident here, many of whom, in their whole lives, never spent a shilling in the country from whence they drew their incomes. That, he said, was a systematic grievance, which admitted of no remedy but a tax upon absentees. Though he possessed a considerable property in that country, he should chearfully assist in any measure for giving the Irish that species of relief, for he was persuaded, that whatever else might be done to relieve them, if that cause of impoverishment should not be met in some way or other, the same principle would continue to produce similar effects, in a greater or less degree.

His Grace before he sat down expressed his approbation of the previous question, the propositions made by the noble Marquis being such, as that he could neither give it a direct negative nor affirmative.

Marquis of *Rockingham* rose, he said, to take notice of some expressions which had fallen from the noble Viscount in high office, and the noble Duke who spoke last, affirming, that he had heard with much surprise the objections now started. He repeated, with some warmth, that Ireland had been cruelly and injuriously treated, and that it would present a mixture of folly and ingratitude, which nothing but the dullest obstinacy and ignorance could explain, if we refused to lighten those intolerable burthens which the restriction of our trade laws laid upon that loyal, affectionate, and enduring people.

As an additional argument, why it made it necessary and prudent in the King's servants to agree to his motion, he adverted to the formidable military associations now on foot in that kingdom; and desired to know if they had been informed of their nature and extent. This, he said, was a matter truly alarming, if the British government meant to adhere to their former system of oppression and injustice; and therefore it highly behoved ministers, if they were obstinately bent to throw every part of the empire into a flame, to seriously investigate the degree of resistance they were likely to meet.

With

With regard to the particular sentiments of the noble Viscount and the noble Duke, he confessed, he was unable to repress his feelings, when they imputed to his motion that it was so framed as to contain a censure upon administration. Nothing on earth was more distant from his thoughts, as he endeavoured all in his power to draw it up in such a manner, as to prevent the possibility of any objection that might arise on the ground of personality.

When a motion was made a short time since for the removal of a noble Earl over the way [Sandwich] from his Majesty's councils, he did not at all wonder at his brethren in office rising to oppose the motion; "no, let our noble friend's crimes be ever so great, we cannot abandon him. We do not care a farthing about that; he is a pleasant companion, and we do not chuse to part with him." There is, added the Marquis, nothing extraordinary in all this; but it appeared to him very unaccountable indeed, how ministers should object to the giving relief to Ireland, for certainly any opposition to it could admit of no other fair or rational construction.

Lord *Townshend* rose, he said, to defend his own administration against the general charge of an encreased establishment, which the noble Marquis said, at the opening of his speech, had gone on in a progressive state of augmentation since the viceroyship of the Marquis of Hartington, afterwards Duke of Devonshire. He compared the establishment during his lieutenancy with those of his predecessors and successors in office since the year 1763.

In that year the civil establishment amounted to no more than 105,000l. in that of the noble Earl over the way [Hertford] there was a small addition. In the administration of Lord Bristol 8000l. had been added. During his own administration, in the course of six years, from September 1767 to 1772, the civil expences were less by 8000l. but since that the civil expences had rose to 137,000l.

His Lordship, in expressions of the warmest affection for the people of Ireland, pleaded their distresses and deserts in very forcible language; said, he should be wanting in the feelings which gratitude ought ever to inspire, if he did not take the present opportunity of testifying his regard for them, and his earnestness to procure them every degree of redress and indulgence which their melancholy situation demanded, which justice dictated, and generosity and national gratitude rendered a positive duty on the part of a great nation.

His

His Lordship adverted, in confirmation of those favourable expressions of the noble Marquis, to the many proofs Ireland had given in the course of almost a century to assist Great Britain in her wars; and contended, that all the public distresses she now felt was in consequence of her loyalty and affection, particularly her recent distress, which solely arose from the assistance she had given to this country in carrying on the war against our rebellious subjects in America. With regard to local or partial distinctions, he disclaimed them, as beneath a great and wise nation; they should never be permitted to mix in questions of such vast magnitude and extent as the present. He resided himself in a country full of manufacturers. His estate and property was within that county [Norfolk] and if the manufacturer was to be affected by granting any indulgence to Ireland, he must suffer his share of the loss; but though he wished them and himself every thing which could be derived from trade and manufactures carried on upon a liberal plan, God forbid he should, upon any motives of prejudice or self-interest, give countenance to measures formed upon a narrow or partial scale of politics. He should, in point of union and national strength, ever consider England and Ireland as one country, and the people of each equally bound and connected by the same objects, the prosperity of the whole.

The noble Marquis had dwelt upon one argument to induce their Lordships to agree to the proposed address, which, he confessed, did not strike him in the same light it did the noble Lord; that was the possibility or probability of resistance, in case this country should not think it expedient to enter into a consideration of the subject matter at present. That was an argument ill-founded, that should never operate upon his conduct, as a Peer of Parliament. He hoped, that their Lordships would be induced to act upon principles of justice and humanity, from motives of affection and sound policy, and not from threats of resistance or compulsion on our part. But he would speak to the fact from his own knowledge; he believed, as the truest test of their affection, the Irish were no less remarkable for their patience and endurance than for their loyalty. He knew them well in every possible light they could be viewed, either politically or individually; and he could affirm from his own actual knowledge, that no provocation (such as had been alledged by the noble Marquis) could drive them to any act of violence, tending to a separation or resistance to this country.

But

But if relief was not speedily given to Ireland, there was another motive more serious, and an event much more probable than resistance, which, he feared, would be the consequence of cold indifference and neglect on our part; and that was the people of Ireland emigrating to America, which would inevitably be the consequence. He had often taken the liberty to press that consideration on the House; and he was extremely sorry to find, that his early information respecting Washington's army had proved so fatally true, and that we had been in part baffled in our attempts to subdue our rebellious colonies, by the great number of Irish emigrants, who, drove by poverty and oppression from their native country, were compelled to enlist in the rebel army.

He concluded with saying, that he agreed entirely in principle with the noble Marquis; but that as to the motion, so far as it related to the form in which it was drawn up, he should reserve his ultimate opinion till a farther progress should be made in the debate, and until he heard the opinions of others of his Majesty's confidential servants.

Marquis of *Rockingham* rose to explain some matters relative to the independent corps and companies now in arms in Ireland. He said, they amounted to upwards of ten thousand men, all acting under illegal powers, under a kind of supposition that all government was at an end. This was one unanswerable proof to shew the neglect of ministers in the performance of their duty. Why were not those men embodied in the King's name? Why was not there a constitutional militia raised to answer the same purpose? In fine, why were not the gentlemen and yeomanry of Ireland put into some form, or under some regulation, which might subject them to a legal or constitutional controul?

He was no less satisfied than the noble Viscount of the zeal, loyalty, and fidelity of the people of Ireland. He was ready to go as far as the noble Lord in every degree of confidence which prudence and sound policy would warrant, but no farther. He remembered the American war commenced in addresses and petitions; that when those were turned a deaf ear to, they were followed with non-importation agreements. He remembered that when bills of pains and penalties were enacting in that house, a syllable would not be heard which seemed to tend to measures of lenity. The bill was brought in a hurry, passed in a hurry, and we run in a hurry headlong to our ruin. To engage therefore for what Ireland

might

might bear with patience, or draw the line exactly upon what particular occasion or period of oppression she might resist, was a language which fatal experience had warned us sufficiently, he believed, not to put too great reliance upon.

After speaking for some time in this strain, he called upon ministers to speak out, and recommended most warmly the necessity of giving Ireland speedy and effectual relief. We had lost the greatest part of America; we were fighting with a powerful enemy for all our distant possessions; Scotland was in a state little short of actual rebellion, and Ireland was united as one man against us, not to purchase a single shilling's worth of British property.

Earl *Gower* proposed a kind of compromise. He moved to omit that part of the recital of the noble marquis's motion which stated the existing grievances Ireland labours under, and the neglect imputed to administration, in not taking measures for their removal.

His Lordship pressed very warmly the impropriety and danger of coming to too hasty or precipitate a vote upon a question of such singular importance. The very cure proposed, would, in his opinion, rather serve to encrease than remove the disorder, which had been so fully and ably described.

It ought to be seriously considered, that holding out false hopes or creating ill-founded expectations, which could not be gratified, would in the end promote those evils which it was the duty of Parliament to prevent. He could never subscribe to the opinion, that adopting to the extent contended for, or agreeing to the claims of Ireland, would be the means of preventing rebellion: on the contrary, he feared it might produce the very reverse; if not in Ireland, possibly nearer home.

The kingdom was to be consulted. The great body of British manufacturers had rights and claims of their own, which they would not readily part with, and though the arguments used by noble Lords might seem specious and plausible, he begged thir Lordships to consider, that perhaps the very measures which might promise to prevent a rebellion in Ireland, might prove the cause of an actual rebellion in England.

He spoke very fully to the motion, said there was no proof of several of the matters contained in the motion, and if there had, it did not appear that the distresses which Ireland felt

felt were owing to the government of Great Britain, or the restrictions laid upon the Irish trade.

If that part of the motion which took the facts as proved, and the inferences flowing from them, as self-evident, were omitted, he was ready to meet the noble Marquis, and adopt the other part of his Lordships' proposition; for at present there was no evidence before the House that the affairs of that country had been neglected, nor was the House in possession of any documents respecting the existence of grievances there, sufficient to induce them to come to the proposed vote.

Earl of *Bristol* replied, that he believed there was not a noble Lord present who entertained the shadow of a doubt, that those grievances stated by the noble Marquis really existed. He delivered himself very favourably in behalf of Ireland, and said he looked upon them to be the most oppressed and injured people under the sun.

Duke of *Manchester* declared himself of the same opinion; and said, he could never think of giving up the ground of the motion; for, what was it, if the people in Ireland were not labouring under the greatest national distresses? and how could that be true, if ministers had not neglected their duty, by forbearing to grant them any species of relief?

His Grace urged the necessity of doing something effectual, and the doing it speedily, and that for the following important reasons.

It was no secret, that France intended, in the course of the ensuing summer, to make an attempt on either, perhaps both kingdoms. He was well informed, that the first attempt would be made on Ireland.

He had it, he said, from the best authority, that France would not appear as an enemy on the coasts of that kingdom, to commit hostilities, but to offer her alliance, friendship and protection, in assisting her to throw off the yoke laid upon the Irish nation by Great-Britain: in short, she meant to hold out independency and a free trade.

The mischievous policy of that ambitious people was no longer to appear as conquerors come to enslave, but as friends to succour and relieve; no longer as the foes but the friends of human kind, come to vindicate the rights of injured and oppressed nations. This was her policy respecting America, and this he feared would be her policy respecting Ireland; and he had good reason already to believe that overtures of this nature had been thrown out, and that several French emis-

saries had been in that kingdom, in order to sound the dispositions of the people.

This was the invasion and conquest of Ireland, which he feared, and which it was their Lordships' business to adopt the most speedy and effectual measures to prevent. His Grace therefore conjured and intreated ministers to interfere in time, and do every thing in their power to prevent France from acting so insidious a part, by removing those evils, the existence of which could only have given rise to so deep laid a scheme of policy and ambition.

He was as well as his noble friend [Grafton] glad to see ministers shew any disposition to relent. He was fully persuaded of the necessity of convincing Ireland, that we were candid, and meant at length to be serious; but he nevertheless was of opinion, that a subject of such transcendent importance, involving in it such a variety of interests and objects, ought not to be lightly taken up, nor hastily decided on.

Earl *Gower*'s motion being at length framed, it was suggested, that the original motion should be first withdrawn, [A cry of *Withdraw*, *Withdraw*.] His Lordship's motion was then read, after a few words from the Marquis of Rockingham, to shew the propriety of retaining that part of his motion respecting the distresses of Ireland, and was as follows:

"That an humble address be presented to his Majesty, that he will be pleased to take into his gracious consideration, the distressed and impoverished state of the loyal and well-deserving people of Ireland, and to direct an account to be laid before Parliament of such particulars relative to the trade and manufactures of Ireland, as may enable the national wisdom to pursue methods for promoting the common strength, wealth, and commerce of his Majesty's subjects in both kingdoms."

The Duke of *Grafton* said, though he liked the address as first moved better than as it stood amended, he would be ready to accept of it, sooner than run the risque of having a negative put upon it; for though it took no retrospective view, it looked forward to what he believed was the universal wish of every noble Lord present; it pointed to redress, and for the sake of unanimity he was ready, for one, to adopt it.

Marquis of *Rockingham* said, so far as the new motion pointed to future redress, he heartily coincided with the noble Duke; but however willing he might be to submit to the prevailing sense of the House, so strongly manifested on the present

present occasion, he could see no reason against declaring as an act of justice, and the best pledge of our being in earnest, that the affars of Ireland had been neglected.

Earl of *Shelburne* recommended great caution and deliberation; and put in his claim thus early to be understood as not pledging himself to support any measure which might in its consequences put the Irish upon a better footing than the British manufacturer.

The Duke of *Richmond*, in a very able speech, endeavoured to shew that all local distinctions were the creatures of prejudice and selfishnsss. He said, that Ireland and England were in fact the same nation and people; that any distinction made in favour of the latter was a species of injustice to the former. A great, a loyal, and a brave people, were not to be ruined, beggared or oppressed, because Manchester thought this, or this or that country were alarmed. All those petty motives must cease to operate, nor be permitted to influence our public councils, which ought never to lose sight of justice and sound policy. His noble friend [Duke of Grafton] had talked of an union. He was for an union, but not an union of legislature, but an union of hearts, hands, of affections, and interests, as had been well pointed by his other noble friend, who made the motion. This was his opinion, and he should ever prefer such a connexion to any other which might give offence to the people, or be effected by means, however well intended, that would lie open to many objections.

A kind of a conversation now succeeded, in which the Duke of Richmond said, he had no objection to the motion, provided it was fully understood at every side of the House, and candidly declared that immediate measures of relief would be adopted; and that it was not merely thrown in the way to stop any effectual proceedings.

Earl *Gower* protested so far as he could answer, he meant to act with candour. It was his wish, and it now became his particular duty; but it was impossible for him to speak with any degree of precision. It was a subject of great delicacy, called for great consideration, and he thought whatever might be done, it would not be prudent or politic to hold out to Ireland any promise which might be received as restraining the wisdom and deliberation of Parliament.

The amended motion was put and carried *nem con.*

May 12.

No debate.

May 13.

The judicial and private business being finished, the Duke of *Grafton* unexpectedly rose, and after lamenting the difficulties noble Lords on that side the House had to contend with, for want of the documents necessary to convince their Lordships that they were not mere speculative politicians, or wished from improper motives to obstruct or impede the wheels of government, begged leave to inform their Lordships, that he had that morning received a letter from a friend aboard the Defiance man of war, then lying in Torbay, acquainting him that a mutiny had broke out aboard that ship, which had like to be attended with very dangerous consequences. Some companies of marines were sent for from the other ships belonging to the fleet; on the approach of the marines, all discipline and subordination being at an end, the mutineers pointed two guns against them, and with lighted matches in their hands, made use of loud and decisive imprecations, that they would fire upon the marines, if they persisted in approaching.

Signals were then hoisted, to give notice for general assistance. This had, for the time, the intended effect. The mutineers desisted, and obedience and tranquility were restored. This circumstance his Grace represented, as originating from the general dissatisfaction, which prevailed among all ranks from the admiral down to the common seaman before the mast, and of the want of discipline, which had been lately encouraged by the example of an officer in high command [supposed to mean Sir Hugh Palliser.]

Earl of *Sandwich* said, he was much surprised, how the noble Duke could either directly or indirectly, endeavour to lay the fault at his door. His Lordship argued in this manner for some time, and said, it might be contended with equal justice, that he was answerable for the moral as well as the military conduct of every man who served in the navy.

He could tell the noble Duke however, for he believed his intelligence was of a more recent date, that the mutiny had totally subsided, and only proceeded from that spirit of licentiousness, which is liable to break out when the seamen are near shore, or in port, which can scarcely be ever restrained, within due bounds. He spoke in very warm terms of Captain Jacobs, the commander; said some misconception had arose among some of his crew, but that when they were convinced of their error, they were very readily reconciled to their captain, and very chearfully returned to their duty.

Earl of *Bristol* said, the circumstance alluded to by the noble *Duke*, was clearly a general indication of the temper and disposition

disposition of the whole body of British seamen. The partial conduct of the admiralty, the general want and corrupt appointment of petty officers, had sown the seeds of mutiny deep in the breasts of the brave and honest tars. Discipline was totally neglected, or indeed at an end; and the ignorance, inexperience and incapacity of the petty officers, had rendered all military authority contemptible, and disregarded. He feared that the causes being native and original, would produce similar effects throughout the navy; and if they should not it could only, he was certain, be attributed to the high and justly famed characters of the captains and elder lieutenants, who he believed were scarcely to be paralleled at any other period of the naval annals of this country. He had every reason to dread, that would not be the only mutiny we should shortly hear of.

His Lordship then entered into several particulars of the mutiny, with which he seemed to be perfectly acquainted, and attributed the restoration of tranquility and obedience aboard the Defiance, solely to the happy and prudent conduct of the superior officers, whose interest and authority over the men, was the reason why perhaps the fatal effects of so daring a mutiny, had not been extended to every other ship in the squadron.

As soon as this conversation ended,

Duke of *Bolton* rose, and confirmed every thing which had been advanced by the noble Earl, who spoke before him, relative to the want of discipline, of able petty officers, &c. He was persuaded, that the general dissatisfaction which prevailed aboard his Majesty's fleet, did not solely arise from the want of petty officers; there were other causes, no less operative: that general custom of pressing, in particular, at once the disgrace of our laws, and the bane of our navy; it was savage and cruel; it was impolitic and could only have originated in folly and barbarism. Men pressed! it was absurd to expect that a seaman would ever be happy in a state of confinement, he might add imprisonment; the first offence, that of depriving them of their liberty, was never forgot or forgiven; the recollection of the circumstance which dragged them away like criminals always filled their breasts with resentment and revenge; and it was the consummation of folly to expect men would fight in defence of those liberties, which they, and they only, were forbid the enjoyment of.

Independent of these considerations there were others, he would venture to say, that had a very great share in those dis-

contents, which threatened to convulse, and render ineffectual the naval force of this country; he meant the persecution of some of the brightest naval characters England ever beheld, a Keppel, a Howe, and a Harland. Why had Sir Robert Harland resigned his commission? The reason might be soon known, if ministers would only in one instance learn to be candid, if they would for once only consent not to keep their Lordships and the nation in the dark. Sir Robert Harland had wrote a letter to the admiralty, desiring permission to quit his command, he had accompanied that letter with the motives which induced him to make the request. His request had been granted. If no other noble Lord thought fit to move for that letter, he should. He thought their Lordships ought to be acquainted with so important a circumstance, in order to know how we had lost so valuable a seaman, at so very critical and important a crisis.

Here a cry of move, move! being loudly repeated, his Grace concluded with moving, "That a copy or extracts of a letter from Sir Robert Harland to the admiralty, desiring permission to strike his flag, be, by the proper officer, laid before that House."

The Lord *Chancellor* objected to the motion. The House he said could or ought not to know any thing of the contents of the letter; it might be a private, it might be a public letter, but whether private or public, the House had nothing at all to do with it.

He concluded a long speech, with a general attack on the whole body of the noble Lords in opposition, of all military professional men, of a villainous cast, who would, if the letter was produced, be encouraged, from base and factious motives, to fly in the face of their superiors; and did not stop at affirming, that appeals to parliament were little short of avowed acts of mutiny.

Earl of *Shelburne* laughed heartily at the absurdity of endeavouring to persuade the House that a letter to the admiralty-board in its official capacity, could have suggested a doubt in the mind of the learned Lord, that the letter in question was of a private and not of a public nature. But no matter, let the letter be public, let it be private, was it not in effect a matter of public interest, of which their Lordships and the nation had a right to be satisfied, that was whether Sir Robert Harland had, at a most critical and trying period, deserted the service of his country; or whether he could longer have retained his command, consistently with the honour of an officer,

officer, of long service? If the former should turn out to be the case, then, most certainly, Sir Robert would deserve public reprehension, if not public punishment; if the latter, by the same rule, those who had driven an officer of his rank and abilities from the service, would deserve to have the same measure dealt out to them.

The Duke of *Grafton* commented, with a becoming mixture of spirit, sarcasm and contempt, on the strange speech which he heard from the woolsack, wherein, he did not forget to remind the learned Lord of his laborious industry, in starting cavils, perverting words, and constant endeavours to restrain the liberty of debate, by preventing noble Lords from delivering their sentiments.

The Lord *Chancellor* replied very fully; but with some degree of warmth and acrimony.

The debate was continued for some time longer, but it degenerated into a kind of altercation, in which the Dukes of Richmond and Chandos, Earls Gower, Radnor, Effingham, and Lord Camden, bore the principal part. The question being at length put, the House divided, contents 25, non-contents 58.

May 14.

The enquiry into the Greenwich Hospital business being resumed, Earl of *Sandwich* rose, and spoke as follows:

My Lords, after the solemnity with which this enquiry into the management of Greenwich Hospital has been brought into this House, and the great expectation of the public from so long and so minute an examination of it by some of the ablest men in this kingdom, if it should appear that the charges brought against myself, and the several persons mentioned in the printed memorial now on your Lordship's table, are false and groundless, I flatter myself, that your Lordships will think, that both I and the other persons in question, are intitled to the countenance and protection of this House: that they will be (I believe I may venture to say that they are) proved to be so, I have not the least doubt—very little argument or proof, except what has come out from the witnesses on the other side, is necessary for this purpose.

It seems, however, incumbent on me to take up a little of your Lordships' time, to open to you the mode in which I mean to answer the several charges against me, and to explain how far I think myself obliged to enter into this discussion. I must therefore premise to your Lordships, that I shall only undertake to answer such charges as have been urged against

me personally, either as a commissioner and governor of the hospital, or as first lord of the admiralty.

Had I not considered the enquiry as an attack upon myself, I should not have given way to it as a member of this House, as it is a business which, in my opinion, is very improper to take up almos a whole session in this great and hereditary council of the nation. I will not enter into any discussion whether the noble Lords who brought the business before the House meant to bring a charge against me; it is sufficient for me to say, that the book upon your Lordships' table contains charges of a very grievous nature against me; no less than refusals to redress complaints; denials of justice; partialities against those whom I thought adverse to my purposes. It is said, that my personal views and interests, connections and prejudices, are the leading motives which govern the hospital. That I was the first who conceived, or at least ventured to put fully in practice, the opinion that the offices of Greenwich Hospital might with impunity be converted into emoluments for an election. That to enable me to return members to Parliament for a single borough, Greenwich Hospital has been converted into an engine of corruption, and a den of borough jobbers. That the government of the hospital has undergone a total perversion. That the noble design of the establishment has been perverted, and that I only consider Greenwich Hospital as an appendage to my private fortune.

I shall not, however, enter into any defence, except upon those articles of accusation which have been attempted to be supported by evidence; having a right to consider the other charges as abandoned by the adverse parties. I will therefore select those points, which upon these principles it seems adviseable for me to speak to. I will consider how they have been supported, and endeavour to draw to your Lordships' reccollection the evidence which has been given; and this, I flatter myself, will be deemed fully sufficient to refute them.

I cannot suppose that it will be expected that I should enter into the discussion of any legal points; if there are any such questions of law, relative to the management of Greenwich Hospital, I profess myself incompetent to decide upon them; and if it were otherwise, this is not the time or place to discuss them.

Let me ask, whether any matter has been offered to your Lordships which could not be enquired into in its proper court? Has any right been withheld from any person who had not a proper legal remedy in the usual course of judicature? If any individual was improperly treated in the ordinary

nary business and affairs of the hospital, had he not the council and direction of the hospital to resort to? If he still thought himself aggrieved by the decision of the council and direction, much less pains than those which brought the business here, might have carried it into the courts below. If Captain Baillie was injured by the proceedings of the committee, is there not a proper mode of subjecting their proceedings to the opinion of the King's Bench? If Captain Baillie has been unjustly removed from his office, cannot the court of King's Bench restore him? In short, has any thing been brought before your Lordships? Was it probable, was it possible, that any thing could be brought before your Lordships, in the course of this business, which might not have been enquired into in Greenwich Hospital or Westminster-hall?

As to myself, I am conscious I have done my duty to the best of my judgment, and according to precedent; when I have received complaints, I have listened to them from whatever quarter they came, and given such redress as I thought myself authorized to afford. I have suspended and removed officers who, I thought, had misbehaved; and I defy the blackest malice to suggest, that I have ever lowered my dignity, by shewing the least degree of partiality in any such exertion of the power with which I thought myself invested.

Here, my Lords, ends every thing which I think necessary to say by way of introduction to what I consider as my own defence, in answer to what has been thrown out against me.

As to any abuses in the management of this charity, in which I cannot be personally concerned (and which appear to me to be infinitely less than can be supposed to exist in the management of any other charity, equally extensive) if the House thinks that we are warranted to sit as a commission for charitable uses, or a court of chancery, they will act as they judge proper upon that occasion; and, indeed, since we have gone so far as to hear evidence upon many supposed abuses against several persons, who, I am persuaded, are perfectly innocent (though it is impossible for me to state their case as a matter proper for parliamentary enquiry) I am inclined to believe that your Lordships' humanity will lead you to give up some more of your time, in order to allow them an opportunity of bringing evidence in their own exculpation. In this business I am as ready to give my assistance, as any other Lord of this House; but I desire that I may not be considered as a principal in the management of it, or as a party concerned. Before I conclude, I hope there will be no impropriety in my mentioning to your Lordships a few instances, in which I have

have shewn myself a true friend to Greenwich Hospital. I doubt not other first lords of the admiralty have had the same inclination to befriend that noble charity, as I have always entertained; but few of them have had so much power of doing it, from the much longer time I have sat at the board, than I believe any other person ever did, and from my having had no military avocations to employ my time in the service of my country.

I can say, with the strictest truth, that if I have merit in any part of my conduct, it is my constant attention to the welfare and improvement of this noble charity: it has been my favourite and unrivalled object; and I have never, for a moment, lost sight of what could any way be turned to its advantage. Your Lordships will observe, that I have been in the admiralty, at different times, above seventeen years, which has given me the means of doing much more than any of my predecessors in office. When first I came into the office, in the year 1744, there were only 1000 pensioners in the hospital; they have been increasing gradually, till they are now got to 2169; 800 of whom have been added during the time of my being at the board of admiralty; and I must observe to your Lordships, that so much has the revenue of the hospital encreased, by the care and attention that have been paid to the management of it, that all this has been done without burthening the public, and without demanding from them the assistance of a single shilling. Indeed, for these three last years, 4000 *l.* has been given by Parliament, but that was not wanted to defray the expence of the original augmented establishment of pensioners; it is to give aid to an additional charity of out-pensioners, which was established at the end of the last war, to which the public at first gave 10,000 *l.* for some years nothing, as it was then defrayed out of the annual revenue of the hospital, and as that diminished in time of peace, when fewer seamen are voted, it was necessary to apply to Parliament for 4000 *l.* for the sole purpose of paying the out-pensioners.

The exact state of this question will appear from the following account, which will shew, that for the maintenance of the out-pensioners, from the year 1763 to 1778, the hospital has expended near 6000*l.*

MONEY

MONEY GRANTED BY PARLIAMENT.

				£.
First establishment in	1763,	—	—	10,000
	1764,	—	—	10,000
	1765,	—	—	5,000
	1766,	1771,		
	1767,	1772,		
	1768,	1773,		Nothing.
	1769,	1774,		
	1770,			
	1775,	—	—	6,000
	1776,	—	—	5,000
	1777,	—	—	4,000
	1778,	—	—	4,000
				44,000
Expence of maintenance,			—	103,455
Paid out of the hospital revenue,				59,455

Which it could not have done, had not the income been greatly improved.

As a proof, that under my administration the estates of the hospital have not been much mismanaged, I have the satisfaction to inform your Lordships, that the Derwentwater estate, which in the year 1745 (when I just came to the board) produced 6900*l.* now produces 11,988*l.* and in a few years will be raised 3000*l.* more, there having been tenders already actually made to the amount of upwards of that sum more than the former rents, upon leases for twenty-one years. This is exclusive of the lead mines, which *communibus annis*, produce a clear 8000*l.* a year.

In order for the better improvement, and for obtaining a more certain knowledge of the real value of this estate, two of the directors were employed about five or six years ago to visit the several estates, and to make their report of any improvements that might be made. This measure had the most salutary effects; the two directors did their duty like able and honest men; and I have no doubt, but that in consequence of their investigations, the income of the estate will be in a few years considerably augmented; probably to many thousands a year. One great improvement has been the erecting a large smelting mill and refinery, which have answered be-

yond

yond imagination, and considerably improved the income. Before the erecting of that mill, we were obliged to carry our ore to be manufactured, and were at the mercy of the manufacturers.

Captain Baillie, and the witnesses he has brought to the bar, have been continually throwing out, that he was the true and unvaried friend to the pensioners, insinuating thereby, that he was their only friend, and that they are neglected by others, whose duty it equally is to be attentive to their interests.

I have not made any parade of what I have done for them; but I believe I may venture to say, now I am called upon, that they never had so true, so constant, and so effectual a friend as myself. When I first came into office, there was no particular place allotted to the sick; they were mixed in the hospital with those in health; and though particular wards were allotted to them, they not only took up the room of healthy people, but could not be so well attended, and so private, as the nature of their infirmities required, and as an additional hospital, erected purposely for them allows; besides this, the danger of infection in communicative disorders is now greatly lessened, and the frequency of burials entirely removed from the eyes of those who are most likely to be hurt by such a sight, and who ought to be led through the remainder of their life with as few unpleasing objects as their situation will admit of.

This infirmary (which is allowed to be one of the completest hospitals in the kingdom) was established under my direction; and I may almost claim the honour of being the sole founder of it.

To prevent abuses in the admission of improper objects into the hospital, I have always attended the quarterly examinations of the candidates for admission; I have myself examined into their pretensions, from age, infirmities, and time of service, and have classed them, for preference, in admission, singly, according to those pretensions; and I have rigidly adhered to a fixed rule I have made, never to attend to any application, or to receive any petition about the admission of a pensioner. There are Lords that hear me, some of my best and most respected friends, who know the truth of what I say, by the refusal I have made to attend to their solicitations on this subject; and I have in my hand a letter from a very respectable peer [Lord Petre] of this realm, which I shall read as part of my speech, which will shew your Lordships the

the language I have held, when these sort of applications have reached me.*

Another point in which I have much befriended the pensioners, was the establishing a new dining-hall, which was done under my absolute and sole direction, and from my own discovery how it might be executed. The mode of dining the pensioners, till within these four or five years, was in one hall, in which tables were laid for 600 men, and there were 600 more waiting at the door to succeed them: when the first set had hurried over their dinner, the second came in upon the filth of the others, and into the nauseous smell of a room in which so large a number of guests had been feeding. Wishing to remedy this nuisance, for such I must call it, I made it my business to search and enquire whether any place could be found to receive the second set of hungry pensioners, and to relieve them from the situation in which Tantalus is placed by the poets, as having provisions at his chin, without the possibility of his getting at them. In consequence of this investigation, I found that there was another hall that was in a manner useless, being employed only as a sort of lumber room, or storehouse for the stewards, and other stores. This room I ordered to be converted into a dining-hall, and a new kitchen to be fitted up to supply tables for 600 more men; which number have dined comfortably together, at the same time that 600 of their brethren were at table elsewhere. I will mention but one more improvement made by me, and that is having constantly set my face against the allowing the inferior offices to be performed by deputy. This conduct does not savour of the character of a borough jobber, and one

* Lord Petre's letter his Lordship read as follows:

"My Lord, *Park-Lane, Feb.* 25, 1779.

"IT makes me very happy to have it in my power to be of any service to your Lordship, and should it be necessary, I shall be ready to obey your commands.

"It is with the greatest truth I can assure the House, that your Lordship, with infinite politeness, refused admitting a person into Greenwich Hospital in whose favour I interested myself, and gave as the only reason, that your Lordship had made it an established rule, never to prefer any one on recommendation to the prejudice of many deserving objects that had no friends to solicit for them. I am, my Lord,

your Lordship's most obedient
humble servant,
PETRE."

that made Greenwich Hospital an appendage to his own private fortune. My Lords, till my time, most of the inferior offices, such as those of the cooks, their mates, scullery-men, &c. were done by deputy, which certainly afforded the opportunity of giving stipends of twenty or thirty pounds a year to the voters or servants of the first lord of the admiralty. This I absolutely abolished; and there is but one of these officers who acts by deputy, and him I have suffered to remain, because he was put in by one of my predecessors, who I would not wish to offend. I acted very differently with regard to a man of my own, whose name is Joy, and who was a Huntingdonshire freeholder. I made him a scullery-man, and finding that he did not attend to his business, and had got another person to do it for him, I turned him out of his place, nor did his Huntingdonshire merit avail him, or prevent his being sacrificed as an example to other delinquents.

It has been given out, and was generally believed, that instead of admitting decayed seamen as pensioners, I had filled the hospital with Huntingdonshire voters and landmen. I now most solemnly declare, that out of 2169 pensioners at present in the hospital, there is not, to my knowledge, a single Huntingdonshire man, nor one who is not thoroughly qualified from length of service at sea, and infirmities, acquired in the performance of his duty as a seaman.

I do not say this to gain applause: I know I have done nothing more than what my own heart leads me to think every man will do who feels for the sufferings of his fellow creatures; I should therefore flatter myself, there is no impropriety in my pointing out these circumstances, and intimating, that even if any malversations laid to my charge had been proved, there were some parts of my conduct which should have lessened the indignation of mankind against me: but, thank God, no such malversations have been proved, and I flatter myself, that when this enquiry is ended, my reputation will not suffer by the long and serious examination of my conduct.

The charges that have been attempted to be proved are,

I. That the charter was formed by the immediate care and abilities of Mr. Ibbetson, under the inspection of Lord Sandwich.

II. That several landmen are appointed to hold offices in Greenwich Hospital.

III. That clerks and under-officers are allowed to lodge in the hospital.

IV. That I have turned a deaf ear to complaints.

V. That

V. That I appointed the committee unfairly and improperly.

VI. That I directed Mr. Butler to negotiate with Mr. Murphy, and that the negotiation began on my side.

VII. That Mr. Cooke was employed by me to intimidate Mr. Le Fevre, and others.

I shall take them one by one, according to the order in which I have named them, and endeavour to bring to your Lordships' recollection how they have been supported.

The first charge that was made against me relates to the alteration of the charter, and the new book of instructions; it has been said that whatever respectable forms they may have gone through, they were in fact prepared under my inspection, and by the immediate care and abilities of the secretary to the directors—That there are a variety of omissions and additions in the new charter, all of which have an uniform tendency to lessen the number and force of the several checks at first established, and reduce the whole to an absolute dependence on the admiralty.

Evidence to this point in my own behalf I shall bring none: I am perfectly satisfied that your Lordships' opinion of me on these particulars, should rest upon the evidence brought by my accusers. I appeal to the recollection of your Lordships, and to the evidence on the table, whether there is the slightest proof of connection between me and any of the persons employed in framing the new charter.

The first evidence who was called on this subject was Mr. Everist, the solicitor of the hospital; he has disclaimed having the least connection with me, having ever heard me speak to him, or having ever received from me the smallest direction about the charter: his share in preparing the charter seems to have been exceedingly small. He prepared the first draft of it, this he submitted to Mr. Sibthorpe, who was at that time joint solicitor to the hospital with him; from this time he seems to have taken no further part in the business. As to my interference, or the interference of Mr. Ibbetson, the secretary of the hospital, his declarations were uniform and distinct, that neither of us were concerned in drawing the charter, or suggesting any of the alterations in it.

Mr. Eden's very able and satisfactory explanation of this whole matter comes next; he informed your Lordships of all the transactions relative to the new charter in every stage of its progression, and by his evidence, your Lordships are now perfectly apprized that the charter was prepared in the manner it should be prepared; that the draft of it was drawn by Mr.

Everist,

Everist, the solicitor of the hospital, afterwards corrected by Mr. Sibthorpe, his partner, and much his senior in business, that it was then laid before Mr. Eden, the auditor, and one of the council of the hospital. That some alterations in it were suggested by him; that these alterations were afterwards inserted by Mr. Sibthorpe, that the draft so prepared and amended was laid before Mr. Eden, and his Majesty's law officers, his attorney, and solicitor general, and by them finally perused and approved for his Majesty to sign.

The declarations of Mr. Eden agreed with those of Mr. Everist, he disclaimed the least connection with Mr. Ibbetson in this particular business, and disavowed the interference of myself or any other of his Majesty's ministers.

The next evidence your Lordships called for was Mr. Sibthorpe; his evidence perfectly coincided with that of Mr. Eden, he denied that Mr. Ibbetson had ever communicated with him on this business. He denied that I had ever spoken to him on the subject.

Captain Baillie declared in evidence, that the draught of the charter had not been read at the general court before it was finally approved; it appears from the books of the general court that it was read on the 10th of March, 1774, and afterwards, when it was perfected at another general court, on the 16th of December, 1775; it had also been read at the board of directors in the intermediate time, in the presence of Captain Baillie, who was chairman of the meeting.

Mr. Ibbetson was called upon frequently in the course of this business; and, I believe, every one of your Lordships is sensible of the readiness, the candour, and the accuracy, with which he stated, and the perspicuity with which he explained every part of the transactions he was desired to elucidate. He gave your Lordships his oath that he had not the slightest connection with any person concerned in drawing the charter, and that he had not once spoken with me on the subject; and yet Captain Baillie in his outset informed your Lordships, that Mr. Ibbetson was the person who drew up the charter.

Thus were the accusations against me, respecting the charter, contradicted by the united testimony of every witness summoned to your Lordships' bar.

The next accusation respects the merit of the alterations in the charter; as the slightest reason has not hitherto appeared to charge these alterations against me, or upon my particular influence with those who were concerned in preparing it, I should be justified in waving all enquiry on this head, but I owe it to the public, to your Lordships, and to the respectable in-

inhabitants of Greenwich Hospital, to inform you, that there is not in any of these alterations the slightest circumstance at which the friend of the seamen should take alarm. In no one instance are his interests prejudiced, in many they are sensibly promoted.

The only instance which bears even an appearance of lessening the seaman's prerogatives, is, that the right of recommendation to offices, which by the commission was vested in the court of commissioners, is omitted in the charter, and the power of appointing them vested solely in the admiralty.

This fact was fully explained by Mr. Eden, and usage, as well as common sense, shews that it was never intended that the general court should fix upon the persons who were to hold offices in the hospital; when the increase of the establishment of the hospital, which has gradually risen from forty to near two thousand two hundred pensioners, required an additional establishment of officers, they were to give notice to the admiralty that such additional officers were wanting, and to recommend it to that board to appoint them; sometimes they proposed certain persons, out of which the admiralty might or might not appoint the officers; there is one instance of their naming six persons to be chosen out of; can there be a stronger proof that the absolute and final appointment was in the admiralty? This custom, however, of proposing persons by the general court has been long laid aside, nor do I find any instance of its having been executed since the year 1772; I will go farther, and say, that the execution of it is utterly impracticable. Three or four general courts in a year are as many as are necessary for carrying on the business of the hospital. I think the charter directs that two shall be held, I believe the commission names four as necessary; how then are vacancies to be filled up? Is a general court to be called every time that a scullery-man dies, or that a cook's mate is turned out of his office for drunkenness? My Lords, if they were to sit every week they could hardly do the business.

A very recent instance proves, how this point of recommending officers by the general court has been understood and executed: when the new kitchen was established, a great number of new officers were to be appointed; this the general court signified to the admiralty, and recommended to them to appoint the officers, which they accordingly did; and indeed, what could be more inconsistent, than that the persons who sign the appointment, should have no concern in chusing the persons by themselves appointed?

The next alteration complained of is, that the court of commissioners are directed by the charter to meet twice a year, though they are required by the commission to meet four times a year. I beg your Lordships will for a moment consider of whom the court of commissioners is composed; experience shewed that it was inconsistent with the pursuits and occupations of those gentlemen, inconsistent with the business of the nation, which moves in its various departments through their hands, and absolutely incompatible with the laborious and incessant duties of the admiralty, to meet as often as the commission prescribed. It appears by the books on your Lordships' table, that frequently nine months have elapsed without the court of commissioners once meeting. To these deviations from the original intention of the institution, the charter opposes the properest remedy, by enlarging the intervening time between the meetings of the commissioners. By the alteration—their duty as commissioners becomes more consistent and compatible with their other pursuits and occupations; a regular attendance at the court being thus facilitated, what was before possible to none, being now made possible to many; it is not unreasonable to hope that the court of commissioners will meet regularly, and have the most respectable attendance.

The next circumstance of alteration which engaged your Lordships' attention is, that the clause in the charter provides, "that all such persons to be so recommended and admitted into the said hospital, as the officers of the house or otherwise, should be seafaring men."

But in the charter, the words *or otherwise*, are omitted; I must wait till I am informed, what possible sense can be given to the words *or otherwise*, before I can speak my sentiments on their omission. At present, I have this opinion of their value, that I entirely agree with the gentleman who told your Lordships at the bar, that if I had found them in the draft laid before me, I should not have struck them out; if I had not found them there, I should not have put them in.

The next alteration which was charged upon the persons who fabricated the new charter was, that there were words inserted in it, which gave the admiralty power to displace, move, or suspend any officer of the hospital who should be guilty of misbehaviour. I beg leave to submit to your Lordships, that by the common law of the land, it is an incident inseparable from every corporation, to have the power of making bye laws and private statutes for its good government

and

and regulation, and to punish all the officers employed in it, who are guilty of misbehaviour, by suspension or removal, from their respective offices.

The charter is therefore only a declaration of the common law of the land; the words here attempted to be criminated, give not any new, extraordinary, or unreasonable powers; yet, they are not without their use. They are a standing memento to every officer in Greenwich Hospital, to remind him that the charter by which he holds his office, will punish him for the slightest misbehaviour in it.

I now come, my Lords, to the last point of accusation against the framers of the new charter.

It is objected as a crime of the greatest enormity, that a power is given by the new charter to sell, exchange, and alienate all the estates of the hospital. This was urged against me as a crime of the blackest dye; as a device to rob the hospital of its property: here, my Lords, upon this subject, I cannot help expressing my surprise and astonishment, that your Lordships should not only have paid attention to such a charge, but that two days of your Lordships' time should, in this important and very busy session, be lost in an attempt to establish an accusation of so brittle a substance, that it fell in pieces the moment it came to be handled.

The fact, my Lords, is, that notwithstanding these words in the charter, the commissioners and governors of Greenwich Hospital are as little able to sell the property of the hospital now, as they were before the passing of the charter.

Before the charter was obtained, if any person had purchased lands of the hospital, it was incumbent upon him to see that the money he paid for his purchase of the hospital lands was laid out in the purchase of other lands of equal value. Having done this, my Lords, he was so far secure, that if his transaction with the hospital were in any subsequent time avoided, he had the lands purchased with the money he paid to the hospital, or their value in money returned to him.

Such was the situation of matters in this respect, before the obtaining the charter, and such was the situation of a purchaser—and such it continues to be since the charter has been obtained.

But, my Lords, if the purchaser, either before or since the obtaining the charter, does not take care that the money he pays is laid out in the purchase of other lands, and that those lands are duly settled according to the trusts of the charter;

the bargain, as far as the hospital is concerned, is absolutely, and to all intents and purposes null and void.

In come cases, the hospital will have its remedy against the trustees. Chancery will decree them to purchase lands with their own money; and these lands will be conveyed to the hospital upon the same trusts as they held the other. In other cases, the remedy will be against the purchasers. In these cases, chancery will decree the purchaser to hold the lands as a trustee, and for the benefit of the hospital; or to convey them immediately to the hospital, to be held by them upon the trusts of the charter.

At all events, the property of the hospital is incapable of suffering; such is the situation of the property of the hospital under the charter; and such it was under the commission.

Your Lordships may ask, what is then the use of the words in the charter, if they make no innovation in this respect? I will attempt to explain it to your Lordships.

Before the charter was obtained, the purchaser from the hospital, whatever care he might take about the application of the money, had no security that his purchase would be permanent; because it was in the option of any of the successors in the government of the hospital to avoid the purchase. However, if his purchase were avoided, the lands bought with the money paid by him, or an equivalent to it in value would be restored to him. But by virtue of the present clause in the charter, if he takes care to see that the purchase-money is properly applied, his purchase is completely good, and cannot be avoided in any respect.

With this necessity of seeing to the application of the purchase-money, your Lordships are, I believe, well acquainted; it is mentioned in all your marriage settlements; you will probably find occasion to insert it in most of your wills.

In order to facilitate the sale of that part of your property which is settled upon your families, in the ordinary course of strict limitation, when such a sale or exchange is intended to be allowed, it is always expressly declared, that the purchaser of the lands shall not be bound to see the application of the purchase-money. For it has been found by frequent experience, to be so exceedingly difficult and so dangerous to the purchasers, to have this obligation upon them, that unless they are free from it, the power of selling and exchanging will have very little effect.

Now,

Now, my Lords, in the charter of the hospital there is nothing which frees the purchaser from this obligation; as far, therefore, as the safety of the hospital is concerned, the charter has made no alteration.

Was it not therefore with reason, that I was surprized that this charge against me was ushered in with so much pomp; was forced for two whole days on your Lordship's attention; and after all the care with which it was tortured into something like a crime, proved so totally void of all substance and support.

Having mentioned to your Lordships, how far the evidence on your table has exculpated me from interfering in the obtaining the new charter; and how far the charter itself vindicates the gentlemen concerned in framing it, from making in it any improper deviations from the commission, one thing yet remains unanswered.

Mr. Baillie tells your Lordships, that "When the charter was first produced at the general court, in order to be received and read, I said, that I thought the reading of it unnecessary, as it was a copy of the old commissions, except some alterations in point of form."

My answer to this is very short; Mr. Baillie did not bring a single evidence to support his assertion. The evidence you heard have told you I said no such thing; the minutes of the court mention, that the charter was read.

But to conclude upon this point; the most extraordinary thing is, that if the whole charter had been framed without taking a single syllable from the commission, there would have been no criminality in doing so; the commission points it out as a duty upon the commissioners to procure a charter, but there is not a single word, that intimates that the commission is to be converted into a charter; the very direction to draw up a charter under the inspection of the law officers of the crown, proves, that those who framed the commission knew it was imperfect, and that when a charter was obtained, it ought to be extended beyond the limits of the commission.

Second Point.—The next charge is, "the appointment of landmen to several of the offices in the hospital," which officers are directed both by the commission and charter to be taken out of seamen or seafaring men, or such as have been disabled in the sea service.

If by this is meant, that no one shall hold an office but a disabled seaman, I will venture to say, that the charter directs what is impossible to be done, and what was never attempted or thought of from the first institution of the hospital. My

Lords, several of the offices cannot be filled by disabled seamen: for example,

The Surveyor.—He must be an eminent architect.

The Clerk of the Works.—A person of the same sort.

The Auditor.—An eminent lawyer.

The Organist.—A musician, not a seaman without an arm.

The Brewer. A person skilled in that branch of business.

I don't know whether I ought to name the receiver of the Derwentwater estate, because he is not appointed by the admiralty, but I have heard it hinted, as if he ought to be a disabled seaman; but I can never think that a qualification requisite for such an employment; nor did I ever hear that any of your Lordships, when you wanted a steward to manage your estates, ever thought of searching for a proper person among the pensioners of Greenwich Hospital.

My Lords, I say, the offices abovementioned cannot be filled with disabled seamen, and yet, if the interpretation attempted to be given to the charter is admitted, the appointing a landman to any of them is an illegal act; therefore, my Lords, the way that I understand this direction is, that all the objects of the charity shall be disabled seamen, but that it never was meant, that the managers of the charity should be so; it may sound ridiculous, but it seems to me, that to argue otherwise, is exactly the same thing, as if a person were to contend, that because Bedlam is an hospital for lunatics, the managers of it must also be composed of madmen.

Besides, my Lords, the very words and spirit of the charter and commissions of the hospital seem to shew, that a mixture of landmen and seamen should be employed in the administration and offices of the hospital; as on the list both of commissioners, governors, and directors of the hospital on its first establishment (that is to say, in the first commission) landmen and seamen are promiscuously mentioned; it being wisely intended and foreseen, that though the persons supported by the charity should be those whose merits and toil in the sea service intitled them to it, yet that the administration of the hospital could not exist or go on, without the interference and assistance of the abilities, skill, and activity, of some professional and skilful landmen.

If then some of the civil officers must be landmen, and that it is no illegal act to appoint them to these particular offices, and no deviation from the charter, I have a right to contend, that the charter does not bind the admiralty to make the civil officers out of disabled seamen; it has always been understood and executed in this manner, and it is proved by the papers

upon

upon your table, that my predecessors have appointed more landmen, in proportion to the number of the appointments, than I have done.

I appeal to the paper on your Lordships' table, which contains a list of all the appointments of officers civil and military, since the first institution of the hospital in the year 1704, by which it will appear how that matter was understood at first, for it is very particular, that not one of the persons first appointed to the civil offices was a seaman, and though great stress has been laid upon the appointment of the present chaplains, who have neither of them been at sea.

It is very remarkable that the first chaplain that ever was appointed, namely, Mr. Stubbs, was never at sea; his son has been at your bar, and proved it to be so, in addition to the proof in the list on your table. Dr. Campbell, who was appointed by the Duke of Bedford, had been at sea only a few months, and then left his ship, and was run upon the ship's books as a deserter: I have here in my hand a proof of this fact, namely, a copy of an order from the admiralty to take off his R. without which he could not receive his pay.

Were these two disabled seamen?—And was it ever urged as an accusation against Prince George of Denmark and the Duke of Bedford, that they had made chaplains contrary to the direction of the charter?

It therefore plainly appears that precedent is on my side for the appointment of landmen to the civil offices of the hospital, and that I am not (as Captain Baillie would fain make your Lordships believe) the first perpetrator of this enormous crime; if it be a crime, which I shall never allow it to be, I insist upon it that I am less guilty than any one of my predecessors; I appeal again to the list of the appointments, from the original institution of the hospital, as an irresistible proof of this assertion.

As a farther illustration of this matter, I will have recourse to the account of the officers now in being, and see whether the first lords of the admiralty who have appointed them, have been more attentive than me to the words of the charter, or whether they have not put the same interpretation upon the words that I have done. There are now twenty-nine civil officers, fourteen of which have been appointed by me; of these fourteen, eleven are not seafaring men, namely,

The Auditor,	Brewer,	Cook's Mate,
Two Chaplains	Butler's Mate,	Scullery Man,
Steward,	Cook,	His Mate.
Organist,		

Of the remaining fifteen, which have been put in by other Lords, ten have never been at sea, namely,

The Secretary,	Porter,	Cook,
Dispenser,	Two Matrons,	Cook's Mate,
Surveyor,	Butler's Mate,	Scullery Man's Mate.

Your Lordships will observe that of the eleven landmen appointed by me, three are of those sort of offices that cannot be filled by seamen, namely, the auditor, organist, and brewer; and out of the ten landmen named by my predecessors, there is only one, the surveyor, who might not have been a seamen; for I consider the two women under the same predicament as they might have been the widows of seamen.

What then does all this mighty charge amount to?—Why, that in consequence of a constant series of precedents from the original existence of the hospital, I have appointed eight landmen to civil offices; while there is a majority of civil officers in being who are landmen, and who have been appointed by the other first lords of the admiralty.

Had a single landman ever been admitted as an object of the charity, that is to say, as a pensioner or a military officer, I shall acknowledge it would have been a notorious and scandalous abuse, but I defy the most rigid enquirer to prove, that any one person under that description has ever been admitted under my administration of the office of the first lord of the admiralty.

Third Point.—The next charge is, "the allowing the clerks and under officers to lodge in the hospital," but this is much blended with, and, in a manner, answered by what I have said on the former article; I will therefore only add, that as the number of the pensioners has been encreasing gradually, from forty to near two thousand two hundred, a proportionable increase has been necessary in clerks and other officers to carry on business; these people must be subsisted, and by being in the hospital they are more at hand, and save the expence of house rent, which must be paid for them if they lodged in the town; were there a pensioner less in the hospital upon their account it would be an abuse, but it has been proved to your Lordships that the number of pensioners has not been limited by the want of room to lodge them, but by the deficiency of the revenue there was to maintain them.

Fourth Point.—The next charge is, "that I have turned a deaf ear to complaints, and have refused to redress the grievances of the hospital." How is this attempted to be proved? Why by Captain Baillie's single testimony at your Lordships' bar, which testimony is in direct contradiction to his own publication;

publication; for there it appears, that when there was a complaint against Mr. Ibbetson, for having obtained an order from the directors to remove some of the cabins of the pensioners, in order to extend his apartments, I immediately took upon me to supersede the order, directed the cabins to be reinstated, and shewed my disapprobation of the conduct of Mr. Ibbetson and the directors, by every means I had in my hands; for I not only insisted that the cabins should be put into their original state, but called a general court, where I notified to them, that I thought the directors had exceeded their power, and that I should expect for the future, they would not make any alteration in the hospital, without the sanction of a general court.

What other grievances have been brought before me, and neglected by me, I am at a loss to say; this, however, I know, that all business concerning the hospital, that has come to my hands, I have regularly laid before the general court: I did so by Captain Baillie's complaint, though it is a libel upon myself, and upon almost every officer of the hospital.

And here I must beg leave to observe, upon Captain Baillie's art and contrivance to prove that I have not redressed grievances; he tells your Lordships that I was so beset by his enemies that the channels of information were choaked up; so that in order to censure me for not redressing what he thought to be abuses, he is obliged to own that the knowledge of them never reached me.

But what right has Captain Baillie to suppose that the channels were choaked up, and that complaints could not reach me? There is nothing but his own bare assertion for the fact, and I flatter myself that your Lordships will allow that my assertion to the contrary deserves at least as much credit as his; besides, the proceedings upon your table shew the falsehood of his assertions, as they prove that the complaint against Mr. Ibbetson, and his own libel against me, did come to my hands, and that I gave immediate redress in one case, and, in the other, ordered a most accurate and strict enquiry to be made into the facts, before I thought myself justified to form an opinion.

I cannot conclude this subject, without saying a word or two to prevent your Lordships from thinking unfavourably of Mr. Ibbetson, on account of the removal of the cabins, as that matter has been magnified by Captain Baillie (for there his art consists; he always makes a mountain of a mole hill, and endeavours to lead the world to believe, that he is the

the only reformer, and that no one has the interest of the pensioners at heart but himself) I say, as this affair has been magnified by him, I am persuaded that some of your Lordships will think that this was a mere tyrannical act of Mr. Ibbetson's, and that it was done to make his apartments more elegant and spacious, and that the men were turned out of doors to shift for themselves. The real fact is, that from the great increase of business, by the additional number of officers and pensioners, the business of the secretary has been so greatly augmented, that he had not room for his papers, or for his clerks to do their business, and he was the more streightened, as the place that had been used by his predecessors for their clerks and papers, had been taken away and converted into apartments for a lieutenant. By laying this case before the directors, they thought proper to accommodate him, by removing eight or nine cabins, and putting the pensioners into as convenient habitations in another part of the hospital.

Fifth Point.—The next charge is, "the appointment of the committee;" for as to the partiality or impartiality of their proceedings I shall not enter into a minute discussion of that matter, not being personally concerned in it. With regard to the mode of appointment, I aver that the utmost attention was paid by me to its being so composed as to be likely to do the strictest justice between all parties. I wished to have no share in the nomination, lest it should be suspected that I meant to influence their judgment; nay, so far did I carry this delicacy, that I desired Captain Baillie himself to name the whole committee, and it was not till his refusal to do so, that I thought of proposing any gentleman for one of the committee; those I did propose to the general court are all of them men of fortune and reputation, and particularly such as had no immediate connection with the naval department; and, before they were approved by the Court, Captain Baillie was desired to object to any, or to all of them, and to name other persons to be appointed in their room. Has this the appearance of partiality on my side; and does my conduct, in this particular deserve to be treated as violent, arbitrary, and opressive?

But Captain Baillie says, the committee ought not to be chosen out of the directers, because they are accused in his book, and therefore are parties concerned: how do I know but that he accused them purposely, to have a pretence to disqualify them from being his judges?

But,

But, pray allow me to ask your Lordships, who could the committee be chosen out of, but the directors, whose professed business it is to superintend the management of the hospital, and to enquire into and redress the grievances that are ever complained of? Who would have concerned themselves in it, if they had not?—I am certain there exist no persons, but the directors, who would, or could, have undertaken the task; therefore Captain Baillie's objecting to them was, in other words, objecting to the enquiry, which he knew, when it was gone into, would shew that his accusations were mostly nugatory, false, and insidious.

As to their enquiring into the charges against themselves, it was never intended they should do so; and your Lordships have heard, from the evidence of Mr. Cust, and Sir William James, that they saw it themselves in that light, and examined only into those charges in which there was no accusation against the directors.

Upon the whole, concerning the appointment of this committee, I must appeal to your Lordships, whether it does appear to you that I exerted, or had it in my power to exert, any undue influence over these gentlemen; and whether it was possible for me to pursue any method more likely than this, to examine fully into, and afterwards redress, the grievances, if any real grievances there were, of which Captain Baillie had complained. Had I joined in with his idea, and been of opinion that the directors were improper examiners, the enquiry would have been quashed, which I firmly believe was Captain Baillie's wish, though it was far from being mine. I then should have deserved the imputation of shutting my ears to complaints, and discouraging enquiries: as it is, I flatter myself your Lordships will acquit me of that imputation.

My Lords, I fear it will be impossible for me to make any reparation to your Lordships for the trouble I have given you in this long discussion; I shall, however, have some claim to forgiveness, when I inform you that I do not mean to trouble you with a single witness in support of the defence I have made upon any of these points, resting my cause entirely upon the evidence already given.

Sixth Point—There are two other points remaining, on which, I believe, I must bring a few witnesses. It stands in evidence, that "expressions of intimidation have been made use of, as from me to Mr. Le Fevre and others."

Though

Though no one pretends that he ever heard me use any such expressions, it will be necessary for me to ask Mr. Cooke, whether he had any authority from me to use any menacing expressions towards those who sided with Captain Baillie; and whether he ever heard any such expressions come out of my mouth to him, or to any one else?

Seventh Point.—The other remaining point is "the negotiation with Mr. Murphy and Mr. Butler:" the facts relative to this business have been so well explained at your bar, that I shall make only one observation upon the evidence already given your Lordships, by begging you to recollect, that it is to be proved that Captain Baillie authorised his two counsel, Mr. Bearcroft and Mr. Murphy, to negotiate with me, which they, or one of them, did long ago, through Mr. Garrick, Dr. Shepherd, and Mr. Brown; and though Mr. Murphy and Mr. Butler agree invariably in saying that the motion came from Murphy to Butler, and not from Butler to Murphy, Captain Baillie has thought proper to endeavour to prove that I was the first mover in it, though it has been proved, as clear as the sun at noon-day, that he knew the contrary fact to be true.

Here I must trouble your Lordships to call Mr. Murphy and Mr. Butler again to your bar, not so much because I want any farther evidence from them with regard to my own conduct, as that they may have an opportunity of justifying themselves from the misrepresentations that have been made by Captain Baillie, in that harangue that he was allowed (in my opinion very irregularly) to make to your Lordships towards the conclusion of the buiness on Friday last.

I shall also call Dr. Shepherd and Mr. Brown, to prove that they were employed to negotiate with me long before Mr. Butler knew any thing of this business.

Having mentioned Captain Baillie's harangue, which I suppose is to be considered as evidence, having been given in upon oath at your Lordships' bar, I must say a single word upon an expression or two in that harangue, in which my name has been introduced. Captain Baillie endeavours to prove that he is not of a violent and ungovernable temper, by two circumstances, namely, that he has formerly received letters from me, approving his conduct in the hospital, and that there are particular strong words in his warrant, which says, that they who appoint him place a trust in his care, prudence, and vigilance.

As

As to my letters, let them speak for themselves; when I thought Captain Baillie was in the right, I told him so; but is it impossible to form a good opinion, and to alter it afterwards? and am I, or any man, pinned down by a letter written some years ago, to applaud the actions of a man as long as he lives, let him behave in ever so extravagant a manner? The truth is, I have altered my opinion of Captain Baillie, and find him, by experience, to be a man of a very unhappy temper, which makes it impossible for him, even when he means what is right, to avoid bringing confusion and anarchy into whatever he undertakes.

As to the words in the warrant, surely he must be driven very close, to catch at such a straw: why, my Lords, those words are nothing but mere common form, and are, I conclude, inserted in every warrant, to every one of his predecessors; it is just the same thing as if I were to say that I was of the royal family, because, in the patent by which I hold my office, his Majesty stiles me his dearly-beloved cousin.

Captain Baillie, at his conclusion, says, I have attacked his professional character; I deny the fact; I know nothing of him as an officer, good or bad: but, though I have not attacked his character, he seems to forget how much he has attacked mine, and that it would not have been a very extraordinary thing for me to have retaliated.

It is, however, full time for me to finish; I shall proceed therefore to call my witnesses.

Lord *Fortescue* moved, that "the paper now read by the noble Earl, as his speech, be laid upon the table." After a short debate, this motion was over-ruled.

Doctor *Shepherd* then appeared at the bar, and, in answer to a single question from Lord Sandwich, gave the committee to understand, that he had a law-suit tried at Norwich last Midsummer assizes; that he saw Mr. Murphy there, he being employed as one of his counsel; that, just before the beginning of November term last, he rode up to London, and called upon Mr. Murphy, at his chambers at Lincoln's-Inn; that Mr. Murphy pointed to a bundle of papers in his room, and said they concerned a friend of his, the Earl of Sandwich; that they were the charges of Captain Baillie, respecting the mismanagement of Greenwich Hospital; that he thought it would be much better for his Lordship to make up the matter; that he would undertake that Captain Baillie should resign all his papers, and quit his place in the hospital quietly, if Lord Sandwich would give him an equivalent; and that he

he heartily wished he would tell his Lordship as much. Dr. Shepherd added, that he made no reply; that, soon after he left Mr. Murphy, he considered of the matter, and resolved not to mention it to Lord Sandwich, being of opinion, that it would not be for his Lordship's honour to come into a private compromise in an affair which had been urged against him as a matter of public accusation.

Launcelot John Browne (commonly better known, we believe, by the name of *capability* Brown) was next called, and proved, that he was in Serle's coffee-house in the early part of the winter, he believed the very day, or the day after, that the rule had been discharged, with costs, in the court of King's-bench; that there were several gentlemen present; that the conversation turned on Greenwich Hospital, and Captain Baillie's book; that Mr. Murphy was present, and talked of the rule having been discharged; that he, the witness, said, he thought Captain Baillie had gained a defeat, alluding to the little good which he imagined Captain Baillie could possibly derive from the recent event in the court of King's-bench. That Mr. Murphy took him aside, and proposed terms of accommodation, begging him to mention them to Lord Sandwich; that he, in consequence, did mention them to his Lordship, who said he would listen to no such matter.

Edward Bearcroft, [the counsel] was the third witness examined, and after stating that he had been one of Captain Baillie's counsel, and Mr. Murphy another, in the court of King's-bench, he demurred to answering any questions relative to the negotiation, declaring that all he knew respecting the matter, he knew merely as Captain Baillie's counsel, and he presumed he ought not to be examined, unless Captain Baillie gave his consent that he should speak all he knew.

Earl of *Sandwich* said he had no wish to examine Mr. Bearcroft farther, without Captain Baillie's consent; but desired Captain Baillie might come to the bar, and have the question put to him.

Captain *Baillie*, as before, declared he had no secrets whatever, and therefore not only consented that Mr. Bearcroft should speak, but begged him to speak out generally to all he knew, and conceal nothing.

Mr. *Bearcroft* then went on to state, that, as counsel for Captain Baillie, he had been struck with a desire to serve him; that the most likely means appeared to him to be the effecting an accommodation with Lord Sandwich; that it was proposed

proposed to Captain Baillie; that he must do Captain Baillie the justice to say, he was strongly averse to acceding to any such measure at first; that at length he did consent that he should at a distance sound the opposite counsel upon the subject; that, being determined himself to act no otherwise but strictly consistent with his character as a counsel, he determined to go no farther than barely sounding the counsel employed on the other side; that he did so, but was delicate in his manner of doing it; and that, for certain reasons respecting himself, he chose to decline acting further as a negotiator.

It was then proposed to call Mr. Murphy, who came to the bar; but the Duke of *Richmond* desired to know to what points Mr. Murphy was intended to be examined, declaring that if he was to be called again to the same points that he had before spoken to, it would be irregular to permit it; that Mr. Murphy had already made three long speeches, and ought now only to give short and direct answers; that if he attempted to do otherwise he would interrupt him.

This produced a warm debate. Earl of *Sandwich* complained of the noble Duke's interrupting him in his examination of witnesses, declaring he had not in any manner disturbed his Grace, while he had been questioning his evidence; that Mr. Murphy ought to be as much at liberty to speak at large now as he was when the noble Duke called him to the bar, and that if the noble Duke persisted in his objection, he would take the sense of the House upon it.

Duke of *Richmond* replied, that he would not be bullied out of what was his right, by any Lord threatening to take the sense of the House. His Grace was called to order; whereupon he moved that the witness withdraw, and then, in a more calm and collected manner, reworded what he had said, and made a short speech in justification of it.

At length the Lord *Chancellor* rose, and said he had known Mr. Murphy a long time; that he was a gentleman of as perfect honour, and as clear integrity, as any one man living; that his understanding and his professional abilities were equal to his integrity; he submitted it therefore to the committee, whether it were right, or becoming their dignity, to treat witnesses with cruelty, merely because they had power? He submitted it also to their consideration, whether gentlemen of the law, who came to their bar, ought not to be treated with the common courtesy due to every gentleman, in every situation,

situation, and while in that House, to be considered as persons under their Lordships' protection, and therefore secure in returning from the bar of that House with as unsullied a name and as quiet a mind as they brought to it. Having laid down these considerations, he asked whether it were consistent with that courtesy to gentlemen (who were witnesses) which he had mentioned, to declare, that they ought to be given to understand, that they were not to make long speeches, but that if they were to give any other than direct and short answers, they would be interrupted? He avowed that he perfectly remembered Mr. Murphy's evidence, but that he did not recollect, when Mr. Murphy had been last examined, that a single syllable had fallen from him more than was necessary; on the contrary, he recollected that his evidence was remarkably collected, sensible, and to the point. He appealed therefore to the committee, but more particularly to the heart of his friend the noble Duke, if he might take the liberty of calling him so, whether such conduct, or such language, was proper on the present occasion?

Duke of *Richmond* made a warm answer, declaring he despised any such invidious insinuation, as that he treated any person with cruelty, merely because he had power; and that if that was the first instance of his Lordship's friendship, he made no scruple to say he preferred his enmity.

The debate now became desultory, and was mixed with much personal acrimony.

Adjourned to the 17th.

May 17.

Greenwich Hospital business resumed.

Mr *Murphy* was called to the bar, in order to exculpate himself from the charges contained in Captain Baillie's address to their Lordships, relative to the negociation in which he was concerned between the Captain and Lord Sandwich.

The witness contended that no secrecy was imposed upon him by the noble Lord at the head of the admiralty; that he nevertheless thought that it was incumbent upon him to observe a profound secrecy to every person but the negociating parties; that he was determined, as much as possible, that his name should never be mentioned, and to put it beyond a possibility of any such imputation, he had chosen that Mr. Butler should be present when he communicated what had passed between him and Lord Sandwich to Captain Baillie.

Captain

Captain Baillie immediately consented to the proposition of observing secrecy, and therefore he was by no means answerable, if any thing which had happened had got out into the world.

He said that the meeting between him and Butler, the first time, at Serle's coffee-house, was purely accidental; yet he acknowledged that Captain Baillie seemed to have entertained a different opinion, and frequently suggested his suspicions, that the meeting at Serle's, on the part of Butler, was meditated, and with design.

He allowed, that Captain Baillie thought that Lord Sandwich's offering him an equivalent was a proof that he looked upon him in the light of an innocent man; but for his (the witness's) own part, he interpreted it and received it in a contrary sense; for he imagined it flowed purely from a generous disposition in the noble Lord. Mr. Murphy now entered into a very long and irrelative account of his several endeavours to enter into a negotiation, before the facts to which he was examined took place, which could afford very little entertainment to the reader.

The next point he spoke to was the intended examination of Mr. Butler, as suggested by him to Captain Baillie, which he complained of in very strong terms. He said it was his duty, as counsel for his client, to do all in his power to serve him, and he very little expected that what he had advised in the way of his profession would have ever been produced against him in a court of justice, in order to invalidate his testimony. The questions were framed merely to extort direct and dry answers to matters of fact: Captain Baillie knew the purpose, and he confessed his astonishment, when he heard that such a paper had been produced by a noble Duke [Richmond] in contradiction to the evidence he had delivered at their Lordships' bar. He hoped, however, that, in order to justify himself, he might be indulged with a sight of the paper.—Some symptoms of disorder appearing within the bar, indicative of a disapprobation of granting Mr. Murphy's request, he repeated again, that he thought justice entitled him to a sight of the paper.

Duke of *Richmond* contended that no witness could justly claim any such right.

Earl *Bathurst* insisted, that, as the paper in question had been produced in order to invalidate Mr. Murphy's evidence, he had a right to see it; because otherwise it would be im-

possible to clear himself from charges of which he could have but a very imperfect knowledge or recollection.

Duke of *Richmond*'s chief objection to the production of the paper was, that though a sight of the paper might be granted as a matter of favour, it could not be demanded as a matter of right. His Grace very ably distinguished between the right of a witness and a culprit upon a criminal charge, having a copy of a direct or indirect accusation made against him; and, he believed, he need not remind the learned Lord that the contradiction between the parole evidence of Mr. Murphy and the written testimony, or the questions dictated by Murphy to Butler, did not, or could not affect him farther than to go to the credit of his testimony. As to the paper in question, he had it not in his possession, consequently could not produce it. It was in the hands of Captain Baillie, and it rested with him whether he would produce it or not.

Captain *Baillie* was now called to the bar, and having said that he had the paper, he was desired, in a peremptory manner, by Lord *Bathurst* to produce it. The Captain replied, that he looked upon it to be his private property, and was of course not obliged to produce it.

Duke of *Richmond* condemned the sudden and peremptory manner in which the learned Lord called for the paper, and reprehended his Lordship for his disorder.

This produced an altercatory debate, in which the Dukes of Richmond, Grafton, and Lord Sandwich, the Lord Chancellor, and the Lords Dudley, Chesterfield, Fortescue, and Effingham bore a part; but at length Lord *Bathurst* gave up the point, and confessed, that Captain Baillie's giving up the paper must be voluntary and not by compulsion.

Captain *Baillie* said he had no manner of objection to the giving up the paper, but there were some memorandums upon the back of it that rendered it very unfit for public inspection.

This produced another debate, in which the Lord *Chancellor* said, that the committee, under all circumstances, were entitled to a sight of the paper.

Duke of *Richmond* made the following pointed allusion to the learned Lord who spoke last. Suppose, said his Grace, the memorandums which Captain Baillie states to be written on the back of the paper, should contain a memorandum of any Lord of Parliament having sent for a brief without consent of the party whose case it referred to, have the committee

tee a right to a view of such a memorandum? He hoped, how much soever such ideas and practices might prevail out of that House, the English peerage would never adopt a mode of proceeding that must disgrace them in the eyes of mankind.

Lord *Chancellor* owned that he was the Lord of Parliament alluded to, but the fact was this: hearing that the rule moved for in the King's-bench was discharged, he was somewhat surprized, and was desirous to know the ground on which the court of King's-bench refused to grant it. For the purpose of being informed on the subject, he sent to Mr. Hargrave, and begged to be acquainted with the arguments urged in behalf of Captain Baillie, one of his counsel. Mr. Hargrave sent him his brief, which contained the affidavits in the cause. After entering into some other particulars, in which he gave judgment against Captain Baillie and the opinion of the court of King's-bench, he said, he disdained being guilty of any thing which bore the most distant appearance of an abuse of office or a perversion of law, having many other channels of procuring that species of intelligence which he sought.

Duke of *Richmond* pinned down the Lord Chancellor to the fact. He said, he could not possibly dive into the intentions of other men, that he therefore would not attempt, or endeavour to interpret the real motives which influenced other persons in their conduct, neither the noble Lord's or that of any other. It was not his business or inclination to make criminal charges against his Lordship, or presume to affirm, that he had any concealed intention of doing Captain Baillie an injury, or whether it was a mere suggestion arising from curiosity; but this he could say with confidence and unreserve, and without a possibility of giving the learned Lord offence, that Captain Baillie's brief was his private property and private purchase; that having paid for it, no man living had a right to a sight of it even for a minute; and that no man, be his character or rank in the law ever so great, could properly demand a sight of it without special permission from Captain Baillie.

Lord *Chancellor* replied, that the matter, as a point of law, was totally concluded by the discharge of the rule in the King's-bench, and therefore a sight, perusal, or even possession of the brief, could not possibly affect the cause of Captain Baillie.

Lord *Fortescue*, after bestowing several strong expressions on the conduct of the learned Lord, observed, that it was in

the power of the King to make a Lord, but impossible for him to make a gentleman.

It was at length agreed that Captain Baillie might retain the paper if he chose. Having, however, waved his right, because he was certain, he said, the more fully the transaction in all its parts was investigated, the more it would make in his favour, the captain consented to the delivery of the paper.

Mr. *Murphy* was accordingly called in. The sum of his evidence was, that he drew up the paper as a counsel zealous to serve his client, and he thought it his duty to frame questions the best suited to serve the cause he was employed in.

Mr. *Butler* was next called to the bar, and corroborated the evidence he gave on his former examination.

The Rev. Mr. *Cooke* was then called to the bar to relate what he knew of the matter, and expressed the same forgetfulness as upon every other former occasion.

Captain *Chads* was the next witness examined, and he remembered every thing that had been forgotten by every other witness. Captain Chads remembered, that Captain Baillie was not only a very troublesome but a very indifferent lieutenant-governor, and that his fate was precisely in every respect correspondent to his deserts. Captain Chads fortunately mixed conscience and profit together. He got a step higher, he acknowledged, by Baillie's removal towards the post of lieutenant-governor, and was so favoured, through the interest of his friends in the hospital, as to procure two promotions for his family.

Two debates ensued on a point of order between Lords Townshend, Dudley, Effingham, and Fortescue; and the House, after some previous consultation, adjourned the enquiry into the management of Greenwich Hospital to the 27th instant.

May 18.

No debate. Adjourned to the 21st.

May 21.

No debate. Adjourned for the Whitsunday holidays to Wednesday the 26th.

May 26.

Nothing material.

May 27.

Marquis of *Rockingham*, previous to the going into the order of the Day, rose, and desired that the address of that House to his Majesty of the 11th instant might be read, with his Majesty's answer, which being complied with, he observed, it was with infinite astonishment and surprize he saw

saw that no one step had been taken in that important business, though more than a full fortnight had intervened since the address passed unanimously, and adduced this circumstance, as a recent proof of the gross inattention of ministers to the duty of their stations. It was, he said, no less direspectful to their Sovereign and that House, than injurious to the peace, prosperity, and interests of both kingdoms.

His Lordship then recapitulated his arguments on the former day, and, after urging them in the strongest and most forcible terms, stated several additional grounds of persuasion. He observed, that this fresh instance of duplicity or total neglect, would exasperate the oppressed people of Ireland, and work them up into such successive paroxysms of resentment, phrenzy, and despair, as might at length terminate in a civil convulsion, which would shake the government of these kingdoms to its inmost foundations. The manufacturers of this country had already, by their clamours without doors and interest within, proscribed the trade and commerce of their brethren in Ireland. Ministers had repeatedly broke their most solemn assurances, and amused them from session to session with promises, in order the more easily and safely to plunder them; yet Ireland, with an endurance unequalled in the history of any other state, and with a loyalty not known or practised by any other people, looked still up with confidence to their Sovereign and the British Parliament in hopes of redress. That redress has been held out; but mark the consequence. A vote of both Houses, promising relief, has been solemnly given; his Majesty has sanctioned the promise; but ministers have determined to intercept the gracious dispositions of the crown and the good intentions of Parliament. This, he said, was a stretch of insolence or perverseness in ministers which called for immediate enquiry. The safety of the nation loudly demanded satisfaction upon this head; for most assuredly, if the sentiments of Parliament, approved and confirmed by the Sovereign, were to be superseded by ministers, the people of Ireland would then think that their fate was determined, and that justice and redress would be only dealt out to them in proportion to the means they might have of compelling it, and those means be suggested by their ability to resist a system of professed tyranny and oppression.

To demonstrate that ministers were no longer left a shadow of excuse or apology, his Lordship observed, that there had been two papers on the table of the other House, stat-

ting an account of the exports and imports between England and Ireland for the last ten years,* which contained information

* The papers here alluded to by the noble Marquis, are very long and very minute, but the following is an exact copy of the TOTALS.

An Account of the Totals of the Value of Goods exported from England to Ireland, and imported from Ireland into England, from 1st. of January, 1768, to the 1st of January, 1779, distinguishing each Year.

English Manufacture and Produce exported.

Years.		*l.*	*s.*	*d.*	*Years.*		*l.*	*s.*	*d.*
1768	-	900,713	8	6	1774	-	1036,217	13	7
1769	-	997,983	4	10	1775	-	1132,950	1	4
1770	-	1003,432	0	11	1776	-	1229,552	10	2
1771	-	771,047	18	6	1777	-	1076,883	14	9
1772	-	893,250	0	6	1778	-	787,120	3	6
1773	-	850,073	19	0					

Foreign Goods and Merchandize exported by Certificate in Time.

Years.		*l.*	*s.*	*d*	*Years.*		*l.*	*s.*	*d.*
1768	-	1335,369	12	6	1774	-	1061,779	1	10
1769	-	930,229	13	4	1775	-	1032,266	9	5
1770	-	1113,686	0	11	1776	-	940,371	2	4
1771	-	1207,106	15	11	1777	-	850,035	17	0
1772	-	1049,691	11	9	1778	-	669,261	2	7
1773	-	1057,269	17	0					

Foreign Goods and Merchandize exported by Certificate out of Time.

Years.		*l.*	*s*	*d*	*Years.*		*l.*	*s.*	*d*
1768	-	12,232	5	5	1774	-	7,830	0	0
1769	-	36,529	3	7	1775	-	4,392	7	6
1770	-	8,348	10	10	1776	-	17,304	4	8
1771	-	12,809	0	5	1777	-	4,881	2	4
1772	-	20,845	11	9	1778	-	5,540	12	1
1773	-	11,459	2	10					

Foreign

formation worthy of their Lordships' immediate attention, as they would shew that the interests of both kingdoms were inseparable, and that of course whatever affected one would surely affect the other.

His Lordship concluded with assuring their Lordships, that what he said proceeded from a sincere desire to warn ministers, not to censure them; to point out the very critical state of this country in respect to the present condition of her sister kingdom, and to endeavour to prevent evil, not to punish the criminal, as he always would prefer the prevention of evil to the punishment of its authors.

As soon as the Marquis sat down a profound silence ensued for some minutes, not one of the cabinet ministers, properly so called, being present. The Marquis rose a second time, and just observed, that he expected some one of the cabinet ministers would have been in his place to give an assurance that the papers alluded to would be produced on some short day.

Lord *Chancellor* at length rose, and for some time kept the House in suspence what his argument was meant to convey.

At length his Lordship said, that if the papers were of that importance described by the noble Marquis, his Lordship had no more to do than to move for them. He said, that it was not usual for noble Lords to argue upon papers not before the

---

Foreign Goods and Merchandize imported from Ireland.

Years.		*l.*	*s.*	*d.*	*Years.*		*l*	*s.*	*d.*
1768	-	1226,094	0	3	1774	-	1447,497	6	10
1769	-	1265,107	12	8	1775	-	1486,325	3	6
1770	-	1214,398	4	5	1776	-	1516,532	1	10
1771	-	1380,737	14	11	1777	-	1502,893	7	1
1772	-	1242,305	18	5	1778	-	1360,688	7	11
1773	-	1252,817	3	7					

Note. The value of the articles contained in this account are computed by estimation of the supposed average prices and not by the real value thereof, the same not being ascertained by the merchant upon his bills of entry.

Dated, Custom-house, London,
26th of February, 1779.

the House or moved for. It might, or might not be proper to grant them, but whether or no, the noble Marquis had no right to complain of the absence of his Majesty's servants. It was reasonable to conclude they were engaged in the business of their respective departments, which being the case, he doubted not but the noble Lord would give sufficient notice of his intention before he would frame any motion; besides, if a motion was made and carried, probably it would be some days before they could be produced. He disclaimed all responsibility relative to the affairs of Ireland; said, he had not been consulted upon them, and could therefore give no opinion as proceeding from himself one way or the other.

Duke of *Richmond* observed, that there was no great difficulty in the discovery the learned Lord had made; that there was no motion before the House; the fact was self-evident, and his Lordship might have spared himself a great deal of time and trouble, had he forbore to state what was known to every noble Lord present.

It was of very little consequence either in whose department the blame lay, the question being, why the papers had not been before now produced. It was some person's business, and that was sufficient to justify the complaint made by the noble Marquis, of the manifest inattention and neglect of administration. The learned Lord said, he had not been consulted. That was very little to the present question. If he had not, he dare say, his Lordship would be consulted.

It could hardly, he said, be possible that either his Majesty or his ministers were ignorant of the distresses of Ireland, or of its internal state, and the disposition of the people of that kingdom. He called upon the noble Lord, or any other of his colleagues in office to say, whether they dare hazard a denial, that they had not been apprized of every thing material on the subject relative to the decay of trade, want of resources, decline and deficiency of funds, &c. in that kingdom.

Was it possible to believe that the Lord Lieutenant of Ireland, at a period when almost all appearance of government had ceased, would have kept the King's servants in the dark, and take the consequences on his own head? or that they should be the only persons within or without that House who remained ignorant that the the people of Ireland, goaded by calamity, misery and distress, by tyranny and oppression, were in a state little short of rebellion? It could not be; the noble Lord, with all his great and willing abilities, could not pretend it. Besides, if his Lordship retained any doubts, he

he entreated him to order the address of the 11th instant to be read. when perhaps, his Lordship might find that the fact of national distress was stated, and the propriety and necessity of alleviating and removing it as solemnly declared. If so, then the affair was of a pressing nature, and called for the immediate interposition of Parliament.

His Grace then adduced several arguments to shew the danger of obliging Ireland to trust to assurances, he might add, to broken assurances, during the whole ensuing summer; to consider that that country might possibly be invaded during the recess, and the fatal consequences which might follow, if an invasion should take place, in the midst of such a scene of national calamity and despair as she must be in, when all hopes of redress were over, at least for the present. For his part, he had ever been led to think Great-Britain and Ireland as two provinces of the same kingdom, rather than separate sovereignties since ever he began to turn his attention to political subjects, and should ever continue to do so, notwithstanding the partial and local prejudices of this or that part of the kingdom of Great-Britain.

The noble Marquis had complained, and he thought with great justice, of the absence of the King's ministers. It was a matter of amazement that their Lordships were so seldom indulged with a sight of the only secretary of state who had a seat in that House [Lord Weymouth]. The office of one of the secretaries had been so long kept vacant, that he was led to hope, that the King's servants in general thought the office unnecessary, and were determined to abolish it entirely. No doubt the moment was arrived when the most rigid oeconomy ought to be observed in every department of the state; and, he trusted, they would set an example worthy of imitation in the lower departments of government.

His Grace reverted to the original subject, and pointed out the necessity of adopting speedy and effectual measures for the relief of Ireland, as any delay, at this important crisis, might draw after it very fatal effects.

The Lord *Chancellor* replied. He said, that it was extremely unfair to censure any noble Lord for his absence, particularly the noble Viscount, who had been alluded to, who was immersed in business of a kind extremely pressing and important. His Lordship, it was well known, was particularly assiduous and attentive to the duties of his office, and no less punctual in his attendance on that House whenever he understood matters of real consequence were to be agitated there.

there. The very fact stated by the noble Duke of the business of the two offices resting with the noble Viscount, would plead, in his opinion, a full apology for the designed absence imputed to his Lordship; for he would never presume, in such an emergency as the present, that it could be expected the noble Viscount was to attend in his place in that House from day to day, because it might happen, that a casual conversation might arise, in which, as one of the King's ministers, some noble Lords should think it necessary for him to be in the way.

As to the possible events, which the noble Duke spoke of, about invasions, &c. conjectures were not to be substituted as grounds of debate, or motives of policy in that House. Whatever the designs of our enemies might be, it was not for him to say; but he had no reason to dread any of the consequences which the noble Duke seemed so much to dwell upon.

There were two modes of proceeding, that the House were at liberty to adopt, which was to move for the papers described, and go into the consideration of the subject matter of those papers, or let matters remain in their present situation, till the papers and information spoken of the last day by the noble Viscount high in office, were received from the Lord Lieutenant of Ireland.

Earl of *Gower* came into the House while the learned Lord was upon his legs. He said, the business which he understood was now under consideration, was of a most serious nature. It required the utmost deliberation, and could not be safely entered upon, without their Lordships were fully informed of the subject in all its parts, both as it related to each kingdom separately, and as it might affect them jointly. He was nevertheless free to declare his own general sentiments openly, and without the least degree of reserve, which were, that it would be impossible for their Lordships, so late in the session, to come to any resolutions that would afford greater satisfaction or security, than the vote agreed to by both Houses of Parliament, and his Majesty's answer in consequence of those addresses. The thin attendances that might be expected at so late a period of the session, formed another great obstacle to the undertaking any effectual proceeding in a matter of such extreme difficulty, and that almost at the eve of a prorogation. At the commencement of the ensuing session, when their Lordships would be enabled by the documents to be laid on the table, to give a full and decided opinion, was, in his opinion, the only proper time.

As

As to the two papers before the other House, relative to the exports and imports from Great Britain and Ireland, he thought they would contain but partial evidence of matters of infinite variety, magnitude and extent; looking upon them in that light, he did not see any advantage their production would be of; because let them be ever so clear and convincing in themselves, no measure whatever could be taken in consequence of them, unless they came connected and accompanied with other matter.

The Duke of *Richmond* agreed with the noble Earl at the head of the council, that the business ought not to be entered into in a premature or precipitate manner; yet the argument of caution and deliberation shewed, that while the noble Lord recommended both, he tacitly acknowledged, that the reason why the business proposed has been postponed was because administration had delayed to a late period of the session, what ought to have been attended to, when there were full Houses; in short, they had used their own neglect, as the plea of procrastinating an enquiry, which they confessed was pressing and important.

But, for his part, he could neither admit of the argument or the apology. The subject was not only important, but much too important to be got rid of upon such frivolous pretences, however irksome, tedious, or troublesome. The going into it was an act of duty too binding upon every one of their Lordships to be dispensed with; the ministry had no one to blame but themselves, should they be put to an inconvenience; and it was farcical to talk of difficulty or trouble, when perhaps the very safety, and all future political connexion between both countries, depended on the event of adopting, or withholding any effectual measures for the relief of our fellow subjects in that kingdom.

The noble Lord on the woolsack spoke in high terms of the strength and resources of this country, and Ireland respectively, and concluded on that ground, that we had no reason to despond. He should be glad to hear, where the learned Lord picked up the word despond? No such idea as despondency had entered his thoughts, nor did he recollect that any thing like it dropped in the debate. He was very far from desponding, if ministers adopted wise and just measures. Little, he hoped, was to be dreaded, if our affairs were properly conducted. If a single idea leading to despondency ever arose in his mind, it was only when he reflected, that wisdom, justice, and policy had long deserted our councils, and that there were so few prospects of success opened to our

view,

view, when it was considered who were to be entrusted with the guidance of our measures. But the learned Lord had mixed two questions together of a very different and distinct nature. The anxiety of the noble Marquis did not arise from the single idea, that Great Britain and Ireland, united in affection, and held by the tie of common interest, would not be able to defend themselves against their foreign enemies; but that Ireland, after suffering a series of acts of tyranny and oppression, and those acts continued, and all real redress refused, would be estranged from this country, and perhaps for ever dissevered from it. These were the grounds of the noble Marquis's apprehensions, and the motive which induced his Lordship to press the House to measures, which would immediately remove the discontents and jealousies, which universally prevailed throughout the sister-kingdom.

His Grace, after speaking to several other incidental topics of inferior consequence, but all either depending or blended with the main subject, said, the spirit of loyalty and resolution which had now broke forth in Ireland, ought not to be chilled by unkindness, or be suffered to evaporate by neglect; that the people of Ireland were distressed and impoverished, he might add oppressed, beyond measure; that while they wished for an union of interest and affection with this country, they were not insensible of their ill treatment, nor quite free of resentment; and most earnestly exhorted their Lordships, not to permit them to be driven to despair, and contrary to their own inclinations, into the arms of rebellion;—that kingdom was our most faithful ally and most powerful friend, and was not to be sacrificed to the blunders, the incapacity, and neglect of ministers. The people were valiant and loyal, they were high spirited, and however patient and enduring, would probably, if something were not shortly done towards alleviating their present calamities and distresses, at length break out with a violence proportioned to the magnitude of their miseries, and to the extent of the injuries they had endured for such a series of years. His Grace concluded his speech with reminding their Lordships, that a moment was not to be lost, and late as it was in the session, whoever attempted longer delay, would most certainly be responsible for the consequences. Here the conversation dropped, ministers shewing every possible disposition to decline any farther discussion on the subject, neither chusing to meet the question fairly, or consent to give it up.

At

At six o'clock, the enquiry into the management of Greenwich Hospital was resumed, when Captain Chads, at the desire of the Duke of Bolton, was called to the bar. Captain *Chads* confessed, he had an interest in the removal of Captain Baillie, we mean by inference; for if Captain Cooke, the circumnavigator, should return, and Captain Baillie be reinstated, Chads must return upon half-pay, having been admitted into the hospital upon them terms.

Lieutenant *Besson* was next examined, and gave many instances of great memory, such as his acquaintance with the hospital for twenty years, and his never recollecting any disturbance in it, till the lieutenant governorship of Captain Baillie. He bestowed the most flattering encomiums on the court of directors, and the council of the hospital, of which he forbore to give any proof, but that they differed with Captain Baillie, and opposed him in every thing; and that he never heard of the distinction between the civil or land interest, and the military, till he read of it in Captain Baillie's book. That book, in his opinion, was worse by far than the opening of Pandora's box, for as soon as that black book was opened, out flew contentions, libels, &c. which had set the whole hospital in an uproar. After persisting with great seeming confidence and composure in this strain, he concluded with an eulogium on the public and private virtues of the first lord of the admiralty.

Lieutenant *Moyle* was called in. He entered into a defence of the council, and corroborating what he said by several circumstances, which had come out in the former part of the evidence, he was ordered to withdraw; but the Duke of Richmond said by no means, as he had a few questions to ask him. This cross-examination chiefly related to the measurement of the shirts and sheets; but upon close interrogation, it appeared, that the admeasurement, which the witness had given so minute an account of, and so much in favour of the ruling powers in the hospital, had taken place in the month of March, since the enquiry had commenced in that House.

Chads was again called to the bar to confirm some of the facts stated by his brother officer; and entered into a story of a dispute or *fracas*, which happened between Mylne, the clerk of the works, and lieutenant Smyth, the consequence of which was, that blows ensued, and the affair was afterwards amicably adjusted.

The Duke of *Richmond* interrupted this witness in his circumstantial detail, and objected to the evidence as hearsay, and not applying to the subject before the House.

Sir

Sir *John Fielding* was next called, and gave a very great character of Captain Allright. He gave a long account of the examination taken before him, relative to the fire which broke out in the hospital, its progress, and effects; and was of opinion, that it was not occasioned by any remissness in those whose duty it was to preserve the police and good government of the hospital. He confessed, at the same time, that in a garrison, he would have thought it necessary, if he foresaw any possibility of an accident happening in the taylor's room, by riot, drunkenness, or disorder, not only to remonstrate, but to insist that the persons, who worked in the taylor's room, should be controuled and directed by the officer on duty, without any previous appeal to the civil power. Sir John's testimony was well received on both sides of the House, as he seemed on one side to entertain the highest opinion of Captain Allright, one of the principal witnesses in behalf of the enquiry, and the propriety of the military controul over the hospital; and at the same time, declared it to be his opinion, that the fire did not break out in the taylor's room, which was the place generally pointed out by those who complained of the nuisance.

Mr. *Cypriani* was examined respecting the repairs in the painted hall. He had seen them about ten years ago, but did not particularly attend to their then state; he saw them, for the last time, about a fortnight since. He thought them well and cheaply done, but he did not pretend to what the real value was.

In contradiction to part of Cooke's evidence, Captain *Le Ferne* positively deposed, that he never told or offered to him [Cooke] that he could procure for him a living in the gift of Mr. Calcraft, the living alluded to being disposed of long before the death of that gentleman.

Earl of *Sandwich* now gave notice that his evidence was closed.

The Duke of *Richmond* begged their Lordships' indulgence for a few days, in order to arrange the great mass of evidence, which had come out in the course of the enquiry. After a short conversation, the second of June was fixed for summing up the evidence.

May 28.

No debate.

Adjourned to the 31st.

May 31.

No debate.

June

June 1.

The Duke of *Richmond* moved, that the Greenwich Hospital business, which stood for the 2d, be put off to the 3d. After some debate, the motion was lost on a division, 13 to 5.

The Duke of *Bolton*, the House being rather thin, many of the Lords having gone home, moved, that the House do adjourn till Thursday the 3d.

The Duke of *Richmond* begged that his noble friend would decline the matter, and withdraw his motion, as he did not chuse, whatever the noble Earl at the head of the admiralty might, to take any advantage of the House, being always desirous to be determined by the sense of it.

House-tax bill presented. Petitions from the citizens of London in their corporate capacity, against the bill, desiring to be heard by themselves or counsel. After a short debate, ordered.

Lord *Radnor* moved, that said bill be printed. Another debate; and on the division for printing: contents, 12; not contents, 15.

Adjourned to the next day.

June 2.

The further enquiry into the management of Greenwich Hospital was deferred to the 3d.

Lord *Shelburne* then rose, and stated a proposition to their Lordships' consideration, relative to the state of Ireland. His Lordship's speech was very long, able, and diffuse, embracing a great variety of objects, besides those he rose to discuss.

He began his speech with stating the several instances of neglect, inattention, and designed delay, which ministers had been guilty of respecting Ireland, and then proceeded to the following important money detail.

He stated, that in the year 1759, the public debt of Ireland was under half a million; that since that she had contracted 1,000,000l. funded, and 600,000l. unfunded, besides the 300,000l. borrowed upon public faith, for which no taxes had been yet appropriated; so that the whole debt amounted to full three millions in twenty years, fifteen of which contained a period of a peace establishment, and, of course, a peace expenditure; but contrary to every idea of good government, and national œconomy, by much the greater part of the debt was contracted during the latter period; till at length the new taxes were unequal to the annual out-goings, and at present the receipts at the Irish treasury were short to the amount of 300,000l. *per annum*.

His

His Lordship next took a review of the recent conduct of the King's ministers, which he condemned in very pointed terms, and confessed his astonishment, when he heard the noble Earl at the head of the council [Gower] say, that nothing could be done for Ireland till next session.

Situated as affairs were, it would be dangerous to delay the business; that the necessities of Ireland called for immediate relief, and that it would be absurdity in the extreme to let the Irish remain unsatisfied, for seven or eight months longer. He considered the matter in a variety of different points of view, and said, that leaving the whole to rest upon a resolution so vague and indeterminate as that which had been carried in both Houses, and which, in fact, prescribed no specific line of procedure, might be construed into an intention to do nothing, but a mere design to get over the summer, to set the war upon its legs, and then to suffer the distresses of Ireland to remain unattended to, and unredressed. When the amendment to the noble Marquis's motion was first proposed, he declared he was very far from having this opinion of it himself; on the contrary, he thought that ministry shewed rather more readiness than became them, and seemed willing to do too much; he appealed to their Lordships, in whose memory he stood, whether he had not on that day been the single peer to cry out *doucement*; whether he had not stood up alone and said, "*Gently*, take care what you do, don't promise too much, for fear you should not be able to perform all that you say you'll do; if your performance falls short of your promise, depend upon it you will do more mischief than good, and exasperate Ireland more than ever." The resolution carried that day had already got over to Ireland, and there would certainly be two opinions upon it; the severe and cautious men, naturally prone to doubt, would say immediately, "this is nothing, this is mere fallacy; government being afraid of us just now, have done this with a view to quiet us for the present, and when they have at all surmounted the difficulties in which their affairs are involved, they will, as usual, turn a deaf ear to our complaints, it being evidently their intention to give us no relief, if they can possibly avoid it." Another very different opinion would doubtless prevail with those who were inclined to think better of government and this country; they would say—"Stop, don't go so far, read the resolution again; good God! was it not carried unanimously in both Houses of Parliament? Did England ever do so much for us before? Only see the drift of it, see the wording of it, and consider that the whole has been done in the most kind and flattering manner possible."

His

His Lordship placed these two opinions in contrast, and appealed to the House, whether in common policy and prudence it would not be right to encourage and support the latter, and give as little room as possible to warrant and countenance the former? What would prove most fatal to this, he declared, was the language of a noble Lord in another place. The premier had said, that no individual could form a plan for the relief of Ireland; that it was out of his power; that next session the proper accounts should be laid before both the English and Irish Parliament, and the business must be done by them; but that he did not think the complaints of Ireland well timed, for that this country had done more for her within the last three years than had been done for her for nine years before. His Lordship said he had turned this language again and again in his mind, and he was yet at a loss to divine the meaning of the noble Lord. He was sure, however, it would give most serious alarm to the other kingdom; that they would construe it as an indication that nothing would be done for them; that the two parliaments would be suffered to rub against each other, prejudice and jealousy to meet prejudice and jealousy; and that the minister, whose essential duty it was to reconcile all differences of opinion between the two countries, to smooth the minds of those who were inclined to be ruffled, and to pacify and quiet the uneasy, only took upon himself the office of clearing the stage, and letting them dispute it out among themselves. What could the noble Lord mean? Did he wish for a new war to mis-conduct, in order to procure new reversions for his family? Had he another wanting progeny to provide new honours and new emoluments for? Or was it to a different motive, a motive which he had heard frequently mentioned, that he was to ascribe his earnestness to get rid of the business? Was it to his indolence and his love of ease? Did the noble Lord long to be at leisure to feast on turtle? He remembered when he, some years since, had the honour to be an unworthy member of administration, a noble Viscount, then in opposition, attacked them, and called them a boiled-chicken administration. He was as much warranted to term the present a turtle administration, and he was sure the turtle administration had done this country as much injury and as much mischief as the boiled chicken administration had done it good, and that was saying a great deal.

Having talked thus ludicrously for some little time, his Lordship reverted to serious argument, and desired the House

to recollect, that the American war had commenced upon less provocation than this country had given Ireland. The simple idea of the right of taxation had caused it. Let their Lordships reflect, that from the time of the remonstrances of America, to her declaration of independency, was only eleven months. Let them look at the language of Ireland at present, they would find it much higher than that of America had been at the time he mentioned; let them consider, that in every point of view, Ireland stood more forward now than America had done immediately previous to the origin of the war, and let them ask themselves, if it were wise to suffer Ireland to remain in discontent, for seven months longer? Let them also turn their eyes to the situation of this country with foreign powers. Without an ally of any kind whatever, engaged in a war of the most alarming sort, and at the same moment having the only friend on whom this country could place confidence, or from whom she might expect to draw her resources of men, and reasonable resources of money, in a state of jealousy, ripe for alienation, ready to rise, and with ten thousand armed men in her kingdom, under no controul of government. Where was now our sentimental ally, about whom a noble Viscount [Stormont] had lately said it was improper to speak, urging that the friendship of great states, and the friendship of private persons were governed by the same principles, and therefore it was as unfair to distrust the good faith of the one, as it would be to distrust the sincerity of the other. Was it not known that all negociation was at an end; that Spain had given up her mediation? He declared, he had a high opinion of Spanish honour; the ministers of that country were great and respectable characters; they always acted nobly and fairly; if therefore he might guess at the language of Spain to this country, it had been very different from what had been circulated under the countenance of administration. He believed Spain had said explicitly, "We wish for peace ourselves, but you must either make peace on the terms that are offered you, or we shall be obliged to take part in the war against you." Spain was not, in his opinion, to blame for her conduct. Where were our other allies? The business of the northern courts had been so ill-conducted and ill-managed by the ignorant persons to whom it had been entrusted of late years, that we had not a friend among them. Even the court of Petersburgh, in which there had been so strong a predilection, so violent an inclination to serve this country, had

had been obliged to wean itself, and the spirit which we ought to have cultivated and encouraged, had been suffered to evaporate entirely. We had let France make a peace for Russia with the Turks, and permitted her to load the Empress with favours. Where was the King of Prussia, our old ally in the last war? He had taken no part for us; he would take none. He knew us too well; he knew the little politics of our court, the narrow system of our cabinet; he was too well acquainted with both, to trust the present ministry. After saying a great deal respecting foreign powers, his Lordship drew his argument nearer home, and remarked that the eyes of many were turned upon the nature of the connection between this country and Ireland; that he had lately read a very able and masterly pamphlet; he knew not who was the author of it, but it was called a Letter to Sir William Blackstone, in which the whole matter was stirred, the principles of government investigated, the practice of it, with regard to Ireland, considered, and the propriety and reason of both the principles and practice of government, in that respect, very freely, but very fairly discussed and argued.

Having enforced the necessity of immediately beginning the business of examining into the state of the trade and government, management of the revenue, &c. of Ireland, and declared, that by admitting the distresses of the country in the motion for the address of the 11th instant, every thing done, and every thing said by Ireland up to that day, was ratified and sanctioned, his Lordship proceeded to advise the House of his intended proposition, which he read to the following purport:

"That an humble address be presented to his Majesty, requesting that his Majesty would be graciously pleased to order to be laid before this House, an account of such steps as have been taken in consequence of the address of this House of the 11th of May, and of his Majesty's most gracious answer thereto; and humbly to recommend to his Majesty, if his royal prerogative, as vested in his Majesty by the constitution, be not adequate to the relief of the acknowledged distressed and impoverished state of his Majesty's loyal and well-deserving subjects of Ireland, that he would be pleased to continue the Parliament of this kingdom, as now assembled, and give immediate orders for calling forthwith his Parliament of Ireland, that their just complaints may be fully considered and remedied without delay; that the wonted union of affection may be preserved between

both kingdoms, always desirable, but in the present situation of public affairs, absolutely essential and indispensable to the preservation and welfare of both; and that the united strength of Great Britain and Ireland may in due time, and with due effect, be executed under the blessing of God against the common enemy."

This motion, he declared, he wished not to move, unless he was obliged to it; that he would leave it on the table till Monday, or any future day, for the consideration of ministers; he only wished them to see the necessity of not deferring the business till the next session; and he the rather pressed it, because they might very easily proceed without delay; that the business might be done without calling a parcel of merchants and manufacturers to the bar; that as far as he could see, it would not rest merely on their evidence. Having said this, he took occasion to ridicule the present enquiry in the other House of Parliament, and said, it was falsely called an enquiry relative to America; that it was no such thing; that it was merely an investigation, whether the American secretary had treated General Howe and General Burgoyne with necessary civility and politeness, and whether the generals had returned the civility and politeness to the American secretary. He observed, that a parcel of lawyers, the attorney-general, and the judge-advocate at their head, were the persons who put the principal military questions; that *commis* took upon them to enquire whether the generals pitched their camps in such a position, or crossed the river in such a direction; how they formed their line, and where they placed their park of artillery. In like manner he imagined, if in the course of enquiry relative to Ireland, it should be found necessary to call merchants to the bar of that House, the military officers would be the members employed in asking questions about trade.

By way of still farther pressing the matter, his Lordship declared, that if ministry did not propose some immediate step of themselves, or accede to his motion, should he find it necessary to make it, he should consider their conduct as an indemnity for every thing that might happen in Ireland between this and the next sessions.

His Lordship spoke for a full hour and a half, and after having, with his usual power of oratory, noticed an infinite variety of topics, concluded with repeating his declaration, that he did not wish to press his motion, provided ministers would take some step immediately to convince Ireland of the sincerity of the intentions of government towards her, and asserting

asserting, that he had not any motive whatever for his present conduct but the interest of Great Britain; that he had no wish to obtain the place of any one minister, that he urged them to act in the business immediately from the best motives, and that it certainly would be easy for them so to do, when they were, as they would be, supported by one of the most active oppositions ever known in this country.

Lord *Stormont* rose to reply to the sarcasm thrown out by the noble Lord who spoke last, by alluding to what had fallen from him, in the debate of the 23d of April. He never called Spain a sentimental ally, but was ready to repeat the words used upon that occasion, which substantially imported, that it was the interest of Spain not to enter into the views of France, and that it was neither prudent nor politic to distrust the avowed friendship of great nations, unless it were known that their declarations and actual conduct were contradictory to each other.

He replied likewise to that part of the noble Lord's speech, which related to the conduct of the court of Vienna; and entered into a personal exculpation of himself.

His Lordship sat down, with declaring, that if the question should be put on the proposition, he would vote against it.

Lord *Fauconberg* rose to make an apology for interrupting the noble Lord, who submitted the proposition to the House. Said, he was convinced, that he should have waited till his Lordship had finished his speech.

The Lord *Chancellor* rose, and made a speech against receiving the noble Lord's proposition. The chief argument his Lordship urged in support of his opinion, was the manifest repugnancy between the proposition, and the address moved and carried on 11th of last month; for while the great object is pending, and preparatory steps taking for the full and final adjustment of the respective rights and interests of both countries, what does the proposition, if moved in the shape of an address, import, but that without any previous measures founded on information, or mutual consent, to come to a specific vote blindfolded? This was a mode of proceeding to which he could never lend his approbation. It would, in his opinion, frustrate the wise and cordial intentions of both kingdoms; and both addresses appearing to him manifestly contradictory, he hoped the noble Lord who submitted the paper to their Lordships' consideration, would reconsider the impropriety of taking the sense of the House at present, and consent to withdraw it.

Lord *Camden* doubted much, whether the learned Lord on the woolsack understood the motion he had so fully commented on. Circumstances had altered since the last day; the people of Ireland were in a ferment; he would not say ripe for insurrection. Something had been promised; nothing had been done. The language of ministers, particularly of the noble Lord in the other House, at the head of the finances, is, "Nothing can be done in time;" the learned Lord confesses it, though he has not used the very words. What then will be the probable result of such a conduct? The patient dies, while the physicians are consulting what to prescribe; the people in the last stage of anguish and despair call for immediate redress. What, on the other hand, does the present motion ultimately tend to? That the Parliament of Great Britain, instead of empty, general promises, a hundred times violated, and on which, of course, Ireland cannot depend, call for some substantial proof of British or ministerial sincerity. "Give us some one instance, to shew that you are sincere and in earnest," say the people of Ireland. "Call the Parliament of both kingdoms, to consult and deliberate in their respective assemblies," echoes the address, "in order to come to some specific proposition, before it be too late; or if that be thought too much," says the address, "let us make some progress; let the necessary documents, on both sides the water, be procured; and let us, at a season of more leisure, proceed upon some certain specific propositions, intended as the basis of all future proceedings; by which means Great Britain may determine on the great line, though not the detail, of her intended concessions; and Ireland may know what she will have good reasonable grounds to expect."

The Duke of *Chandos* professed his affection and his warm feelings for the distresses of Ireland. Attached to it by sentiment, and connected with it by interest, (having a large estate there) no noble Lord present would go greater lengths in giving early and effectual relief; but from these very considerations, he was cautious in taking any sudden step, or adopting any hasty, immature line of measures that might fall short or go beyond that medium, on which alone the separate and aggregate interests of both kingdoms must for ever depend. His Grace did not express his assent or dissent to the proposition laid upon the table by the noble Lord.

Lord *Weymouth* disapproved of the proposition, because it contained an implied censure on government, which they by no means deserved. It pre-supposed two things; that ministers and this country were averse to the giving any relief to Ireland;

Ireland; and although Parliament was well disposed, that ministers had neglected to comply with the terms of the former address. He could assure the noble Lord who had laid the paper on the table, that both Parliament and ministers were extremely desirous to give the most early and effectual relief to Ireland in their power, and that no seeming delay arose from neglect. He had written to the Lord Lieutenant of Ireland for such papers as could be procured; and nothing but the time necessary to make them out, and for their production in that House, prevented them from being, before now, under their Lordships' consideration.

Duke of *Manchester* rose, and some disorder having taken place, the opposition benches compelled order.

His Grace said, he had the highest opinion of the loyalty of the people of Ireland, in case the French landed as an enemy come to conquer. He had no fears, that the 12000 men now illegally armed in that country, would join with a foreign invader. By every thing he could learn, they were too brave, too loyal, and too much attached to sentiments of liberty, ever to tamely submit to a foreign yoke, much less assist in forging and rivetting their own chains. The alarm created in his mind was of a very different nature. It was the new adopted policy of France, not to appear as an invader of the rights and liberties of others, but the protector of them, the friend of human kind, and of public, at least of municipal, liberty. The French creed respecting the dependencies of the British empire, was independency, freedom, no restrictive laws upon trade; an exercise of natural rights, restrained only by law and liberal policy. On this system the great outline of French politics has been newly modelled; and he had certain information that French emissaries had been in Ireland for some time past, endeavouring to alienate the minds of the people there, as they had so effectually done in America.

Whatever the real intentions of France may be, if she should effect the landing of a considerable force in that kingdom, he had every reason to be persuaded, that it would not act as an enemy, however it might be received; in his opinion, therefore, it was indispensably necessary for that House and Parliament to adopt such speedy measures as may promise to defeat impressions, which, if not timely counteracted, might, from circumstances of actual misery, and the despair arising from it, be productive of the most fatal consequences.

The Duke of *Grafton* spoke for a considerable time, and in the course of his speech went into the state of the nation,

and a view of the several possesions and dependencies of the empire.

Earl *Gower* said, the object, if rightly understood, and properly pursued, was an object of vast extent and magnitude, and must of course involve in it a great variety of considerations. Ireland, he allowed, was in a very distressed condition, but he could never think she had any grievances to complain of, if the term was applied to this kingdom. The traders and manufacturers of Great-Britain had interest to forward, protect, and preserve, as well as the traders and manufacturers of Ireland. They must be permitted to state them, and be heard in their support. It was to be presumed that the Irish Parliament would adopt the same mode. Such a mass of important matter must take great time to adjust, separate, and conclude upon. It was not the work of a day, a week, or a much longer time.

After the materials were arranged, it would require great deliberation to devise the most proper means to lead to a wise and happy decision. It would call for great labour, industry, and unremitting assiduity, before the interests of both countries could be ascertained, and fairly placed on the same basis.

Great stress had been laid by noble Lords, upon the pressing exigencies of the times. Granted: and he was willing to acknowledge that they were pressing, critical, and dangerous; but if this argument be pushed too far, may it not be fairly asked, will you, to prevent a rebellion in Ireland, give cause, perhaps, of a rebellion in England? No, to prevent a rebellion in either, do justice to both; give relief to one, and the interests of Great-Britain and Ireland will, as they ought, be inseparably and permanently connected.

After arguing this point very candidly, and observing that of all politics those are the most detestable which conceal hostile intentions under fair words, his Lordship proceeded to point out the inconvenience, as well as inefficacy, of keeping Parliament sitting during the summer and autumn by short adjournments.

By the register, of their Lordships' proceedings [the Journals] he observed, that late sessions were always thinly attended, be the business ever so important; and if the reports of an intended invasion should promise to be realised, many of their Lordships, and a great number of the members of the other House, who bore commissions in the militia, would necessarily be absent from their duty in Parliament, in the exercise of another duty, that of repelling the common enemy; and he believed it did not require much argument to prove that they could not be in two places at the same time. He said

said he would give his negative to the motion. Another strong argument used by his Lordship was, that not ministers, but the Parliament of Great-Britain, stood most solemnly and sacredly pledged to the Irish nation, by an unanimous vote of both Houses, followed by the King's answer, which was a pledge given by every branch of the legislature; nor did he see from the circumstances already urged, as to the time, the lateness of the session, and the enormous mass of matter to be enquired into, how it was possible, by any vote of their Lordships, to give any more satisfactory assurance.

Earl of *Effingham* alluded to what fell in the course of the former debate on the present subject, and with great ability endeavoured to shew that himself, and several noble Lords [Richmond, Rockingham and Ravensworth] pressed the necessity of letting the address go in its original form, and not to agree to the amendment moved by the noble Earl at the head of the council [Gower], and reminded his Lordship, that when doubts were started, that nothing timely or effectual was meant to be done for Ireland, his Lordship substantially replied, that if not all, something would be done for Ireland before the rising of Parliament.

His Lordship spoke to several other points, and pressed most earnestly the necessity of taking some previous steps, in order to allay the ferment, to soften and mollify the resentments, and quiet the minds of the people of Ireland.

Lord *Townshend* spoke in favour of the motion; described the disposition of the people of Ireland; the sentiments of the established church, the dissenters, and the Roman Catholics; the state of the army; the number of people illegally armed there; the face of the country; its rivers, fortresses, &c. from all which he shewed the imminent danger of the alternative, of the French landing there in a hostile or friendly manner.

He then drew a comparison between our conduct towards Ireland and America. The first, loyal, affectionate, patient under the greatest miseries and oppressions; the latter factious, rebellious, ungrateful, and perfidious, in the midst of plenty, and after receiving a series of accumulated favours.

What is our conduct towards them? They only sue in the most humble and dutiful manner, to loosen the fetters that gall them, and rankle by their intolerable weight, and eat to the very bone. What is our answer? Break your chains if you can, or perish. What is the answer to the haughty and insolent demands of the traiterous Americans, leagued with an inveterate and ambitious enemy for our total destruction;

who

who have already drawn so much of our best blood, and have been the cause of our spending so many millions of our treasure, wrung from the very vitals of the people? You shall be free; you shall pay no taxes; we will not interfere with your internal government; you shall be bound by no restrictions on your trade and commerce.

After contrasting those circumstances in a very pointed manner, he shewed the impolicy and injustice of delaying to grant with a good grace, what, if refused, must be the consequence of even an accommodation with America; namely, that after the conclusion of the present war, the people of Ireland would migrate to America, in pursuit of a free trade, and a milder and happier constitution of government; that they would carry thither their manufactures, which wanted nothing but the circumstances he had mentioned to bring them to the utmost perfection; that of course the only single question was, whether trade and commerce, a fruitful soil, and numerous inhabitants, bound to this country by every motive of affection and interest, was preferable to the same riches, industry, and effective strength, just as much in our power to every good or wise purpose, as if they resided within the island of Great Britain?

His Lordship then entered into particulars, and deprecated the consequences which, he foresaw, would immediately follow a refusal on our part. Supposing we were able to spare such a force as might promise to keep the people there in awe, twelve or fifteen thousand men encamped in the southern, centre, or northern part of that kingdom; if for instance the importation of all commodities of British growth or manufacture should be prohibited; or suppose, on the other hand, that the people should resolve not to permit the exportation of beef or butter. What will our manufacturers do in one instance, what will our fleets and distant armies do in the other, if a general defection among the body of the people, even among the very magistrates, should prevail? Why, while your army in the north may be employed in quelling insurrections there, your imports and exports will be suspended; or while you are favouring, by a military aid, the export of provisions in the south, your import in the north and centre will be stopped; and so *vice versa*. His Lordship was remarkably strong, and was heard with great attention within the bar.

Earl of *Bristol* made frequent allusions to what passed in the former debate, and pledged himself, that if the proposition on the table should not be accepted of, or if it should be taken off the table and receive a negative, he would bring the question

tion forward in some other shape before the rising of Parliament.

After condemning ministers in very strong terms, and representing their conduct as equally fraught with treachery, incapacity, and fallacy, he said, he knew he had been grossly misrepresented by some of them to his Sovereign, who were tale-bearers and whisperers; but he defied their arts and their malice. He loved his Sovereign and ever should; he revered his virtues because he was well acquainted with them; but he regarded his duty to the nation at large, and prized it superior to any other consideration whatever.

He told his mind freely like an honest man; he gave an account of the state of the navy; he knew what it was; he knew what it ought to have been; he knew it was now inferior to that of France; and he affirmed, that it was that circumstance alone which was the cause, and the sole cause, of all the dire calamities with which we were now threatened.

He reminded their Lordships what he said the last day he had the honour to trouble them on the affairs of the navy; what was the naval strength, and the real disposition of the court of Madrid. His words were truly prophetic; all mediation with Spain terminated on the 17th of last month. Spain, if not already a declared enemy, was proceeding directly in the path leading to it; and for his part, unless other measures were suddenly adopted, and other men as suddenly called to the helm, sanguine as he was, in his hopes and expectations, he saw nothing but the certain approach of national ruin and disgrace?

Earl of *Shelburne* replied to the objections which had been made from the other side of the House; and said, if ministers persevered he would be obliged to take his proposition off the table, and move it by way of address to the throne.

Lord *Chancellor* rose, and repeated his former arguments, and said, if the motion was made, he would meet it with a direct negative. He did not wish to take the lead, nor pretend to determine upon matters of state, which were so foreign to his studies and habits of life; but on the present occasion would act for himself.

Duke of *Richmond* replied, and upon the ground of delay said, he was free to acknowledge that his plan of measures would be short, unembarrassed, and direct; he would be for having all the restrictive laws on the trade of Ireland repealed without reserve, and have both islands, in respect of common interest, the same without local distinctions of any kind whatever.

Earl

Earl of *Shelburne* took his proposition off the table and moved it regularly. He introduced it with a short prefatory discourse; and after a few minutes conversation, the question being put, the House divided, contents 32, not contents 61.

As soon as their Lordships returned into the House, the Duke of *Richmond* reminded them, that before the commencement of the debate, which he by no means foresaw would have been of so long continuance, he begged their Lordships' indulgence to postpone the Greenwich Hospital business till the next day, the 3d; but, in fact, the present evening having been unexpectedly occupied in the manner it was, their Lordships' intended indulgence would amount to no indulgence; for if the time was not enlarged, he should never come sufficiently prepared to speak to the several objects of the enquiry, which might be easily believed, when he would have no time but the ensuing forenoon to arrange and digest the vast mass of evidence which lay upon their Lordships' table.

Earl of *Sandwich* strongly opposed any further procrastination of the business; nor would he consent to the delay of a single hour farther than what had been already granted.

Duke of *Richmond* complained of the want of candour now manifested by the noble Earl, who so often experienced it from him and other noble Lords at his side of the House. His Grace particularly reminded his Lordship that the proceedings of the committee were suspended for several days, merely in compliment to his Lordship, on account of a domestic misfortune, which strictly speaking, was not a matter fit to be weighed against an object of great national importance; [alluding, possibly, to the untimely death of Miss Reay.]

Earl of *Sandwich* repeated his former arguments, and complained much of the several delays, he would not say designed ones, which had taken place since the commencement of the enquiry.

Duke of *Richmond* requested that he might have only twenty-four hours more granted to him, to Friday the 4th, and that he hoped would be sufficient; whether or not, he would be ready to proceed on that day.

Lord *Dudley* reminded the noble Duke, that Friday would be the King's birth-day, and that noble Lords would be that day at St. James's, paying their respects to their Sovereign.

Duke of *Richmond* said, the public business of the nation is not to be sacrificed to a mere point of *etiquette*. The noble Lord at the head of the admiralty and the noble Viscount create

create the necessity, consequently they cannot complain of the inconvenience.

His Grace was called to order; but he contended, what he said was perfectly within order; that it was strict parliamentary language, and the times were surely very servile if a peer of Parliament, in debate upon a great national business, could not express himself freely, and exercise his judgment on the relative consequence of any two matters propounded to his consideration. As to the mere mode of expression, it imported no disrespect to his Majesty, for whose person as he ever had, he ever would retain the warmest loyalty and affection; but he should always prefer his parliamentary duty to every other object of inferior consideration.

Earl *Bathurst* pressed the necessity of proceeding on Thursday, said several Lords who attended the enquiry throughout, and who wished to be present at the conclusion, would leave town the next day, after they had paid their compliments at St. James's; and that as no business would be transacted on Friday, the noble Lords alluded to would be kept in town till the middle of the next week, which would prove a very great inconvenience and detriment to such of them whose presence was become necessary, in the country on their private affairs.

Lord *Dudley* said, if the House should consent to sit on Friday, it would be very thinly attended, and would indeed have a very odd appearance, if they should absent themselves on that day from St. James's.

Duke of *Richmond* observed that the noble Viscount's reasoning was conclusive, because it was unanswerable. He for one would not be present at St. James's, nor was it necessary he should, though it might not be so with his Lordship and several of his noble friends, who were to go and make their bows and *obeisances*; that however might be a greater object with those noble Lords, than attending to the public business of the nation. He gave his honour, that there was nothing more irksome to him than to be obliged to do any thing which afforded even a shadow for suspicion of his wishing to procrastinate and delay; but if the noble Earl, who first refused the indulgence, persisted in his first refusal, he could assure his Lordship, that there were many methods, and those justified by the usages and orders of the House, which would in fact compel what he now wished to have granted to him as a favour. One he would mention, that of having the voluminous evidence delivered at the bar, and read at full length.

Earl

Earl of *Sandwich* said the noble Duke might make his option as he liked; but whether the evidence was read long or short, he would not forego his right, that of proceeding on the business, as the first order of the day, to-morrow.

Duke of *Richmond* concluded this altercation with assuring the noble Earl, that he would move the next day, or get some friend to move it for him, that the evidence be read *verbatim* from the first to the last; so that he believed, at the earliest, their Lordships would scarcely have time to dress, though they should sit up all night on Thursday, in order to attend the levee at St. James's. His Grace then gave a short account of himself, and of his assiduities in discharging his duty in Parliament. He acknowledged, in reply to a noble Lord, who spoke lately [Montfort] that he had five days to prepare; but how were they spent? All Monday and that day in debate; so that he had but one day in reality, and two mornings, each of which he was up at seven o'clock, and closely engaged till he came down to that House: to-morrow, then, would be the next whole day; and if the business was to be proceeded on even on Friday, instead of five, or four, he should have no more than three whole days, to make his way through a mass of evidence consisting of several volumes. He said, his situation brought to his recollection that of the Roman soldier, who, being ordered to jump from the Tarpeian rock, the centurion on duty, after the soldier had twice tried, and as often retreated, asked him why he did not jump, as he had tried twice? The soldier replied, he would give him leave to try four times: so, added his Grace, if I have had five days to prepare myself, I will give the noble Lord [Montfort] ten, and I am sure he will not, at the expiration of them, be ready.

June 3.

This day the House met, and a motion being made "to read the evidence relative to the enquiry into the management of Greenwich Hospital," the clerk proceeded; but after about an hour, their Lordships consented that the further proceedings should be deferred till Monday.

A short conversation arose, on the bill for preventing the sale of the place of clerk of the assize, between the Duke of Richmond and the Lord Chancellor, in the committee. At length a kind of compromise took place, which the noble Duke predicted would prove fatal to the bill, but of which the Lord Chancellor said there was not the least danger. [This bill was afterwards thrown over the table, and kicked out of the

the other House.] Their Lordships, on account of the birth-day, adjourned till Monday the 7th.

June 7.

The enquiry into the management of Greenwich Hospital resumed.

Duke of *Richmond*. My Lords, as I was the person who moved your Lordships to undertake the enquiry into the management of Greenwich Hospital, it will, I imagine, be expected, that I should submit to the House some plan to be pursued in consequence of the information that has been laid on your table, and of the evidence given by the witnesses who have been examined at your Lordships' bar.

This enquiry has lasted so long, and has of necessity been so frequently interrupted, that I fear it becomes indispensible for me to recall to your Lordships' memory the grounds on which I first ventured to engage your attention to this business. I fear it will be likewise necessary for me to observe on many parts of the evidence now before the House, and to select, from the very voluminous and various matters which have come out, such parts as apply to those objects which strike me as deserving the attention and interposition of Parliament.

Your Lordships have with great patience attended this examination for above two months; and although I hope our labours are now drawing towards a conclusion, yet I fear I must to-day rely on your Lordships' indulgence, for taking up somewhat more of your time, in this, not the least important, part of the business. It therefore gives me peculiar concern to delay for a moment the weighty consideration of what may be necessary to be done for this great and useful charity, by any matter relative to myself. But as great and incessant pains have been taken, both here and without doors, to misrepresent, not only my intentions, but even my words, and to give to the whole of this business a colour of pique and resentment, I trust your Lordships will, not only in justice to me, but in justice to the cause I have undertaken, suffer me to shew, that there is no real foundation for such charges, and that they are mere tricks to divert the attention of the public from the sober and dispassionate consideration which I wish to be given to the welfare and happiness of those, whose time of life admits of the fewest satisfactions, but whose merits deserve all that we are capable of affording them; I mean those British seamen who are worn out in the service of their country.

I am

I am well aware of the disadvantages under which every man must labour, who engages in measures that can in any degree affect a minister. It is no matter whether it be to protect the injured pensioners of Greenwich, or to consider the state of the nation, on the eve of entering into a most unequal war. If the investigation can possibly affect a man in office, it must be defeated. Let the seamen continue to be ill fed, ill clad, ill used; let the nation be without a navy, without commanders; let a whole fleet of victuallers be sent into an enemy's port—All these had better be left unredressed or unenquired into, rather than one minister should be convicted of a job, and of a total incapacity for his office; or another of having forgot, in his slumbers, that he had ordered the evacuation of the place to which he sent the only subsistence of his army.

To prejudice the public against the enquiry into the management of Greenwich Hospital, it was necessary to misrepresent the view with which it was undertaken.

To investigate the abuses of a public charity from public motives alone was readily deemed impossible; to feel for an old seaman, who is no longer of use, ridiculous! to employ so much pains and time merely to make two thousand men live comfortably, and enjoy uninterrupted the benefits the state has allotted to them, was an inconceivable absurdity!—No, it must have a motive more consonant to the notions of those who feel themselves attacked in every attempt at reformation. It originated in malice; it was pursued by chicanery, and would end in disappointment.

Notwithstanding the most explicit declarations which I had made, in the opening of this business, that I accused nobody, that I meant only to enquire, not to charge, yet your Lordships have seen how often attempts have been made, even in this House, to confound things so totally different. And, indeed, considering the great abilities that have been employed in those repeated attempts, I must rejoice that perseverance and truth have at length been able to make good their ground against sophistry and art.

It has been argued, that the foundation of this enquiry was an attack against the first Lord of the admiralty, that upon no other ground would the House have gone into it. The noble Lord himself has said, "that unless he had considered it as such, he should not have given way to it as a member of this House."

My

My ideas of the motives which should induce Parliament to enter on any business, are indeed very different from these. I had conceived, that a nation whose existence depends upon its trade and its navy, a nation which compelled the service of its mariners while they were young, and had made ample provision for their retreat when old, would think complaints of abuses from a principal officer in the hospital appropriated for their repose, more worthy the attention of the state than the concerns of any individual whatever.

Had the noble Lords avowed their sentiments at the beginning of this business, had they fairly declared how little they thought Greenwich Hospital deserved the attention of Parliament, and of how much importance it was to the House to clear the first Lord of the admiralty, we should have been at issue, and might have saved the House much trouble; for I trust I know the principles of justice too well to wish to try any man without a charge, and by a court of enquiry. I know that in such a proceeding guilt can too frequently evade the evidence necessary for conviction, and that the want of evidence in such a mode of proceeding is no proof of innocence. If, therefore, the House had determined to consider this enquiry as a charge against the first Lord of the admiralty, and to try him incidentally in the course of it, I should for one have retired from the business.

No, my Lords, whenever I do charge any man, it shall be in a legal and direct manner. I have joined with a noble Earl [the Earl of Bristol] in charging the first Lord of the admiralty with malversation in his office. I think the fact was proved: if, with six millions more money than was voted in like circumstances at the beginning of the last war, to have a worse fleet is a malversation in office; and I voted with thirty-seven other Peers for his removal.—One hundred and seventy-three commoners have likewise voted in direct and personal questions against that noble Lord; and a time may come (I wish it may not be near at hand) when the bad effects of his mismanagement of the navy may produce a still more serious mode of trial.

But, so determined were some of your Lordships to set me up as an accuser of the first Lord of the admiralty, in the business of Greenwich Hospital, that the expressions I used, when I moved for papers preparatory to the Earl of Bristol's motion, viz. "that the ground of that motion was malversation in office," were immediately transferred from the ad-

miralty to Greenwich. What was said, upon the known and proved fact of a ruined navy, was applied to the suspicious, but then unproved, mismanagement of a marine hospital. And notwithstanding the very different ground on which I opened this business, and my repeated explanations of it, this round assertion was pushed so far, that if other Lords, as well as myself, had not particularly recollected the circumstance, I must have appeared guilty of the most gross contradiction.

My object, my Lords, was Greenwich Hospital, the welfare and comfort of veteran seamen, to whom this nation owes its former glory. Complaints, infinite in number and considerable in degree, had been made to all the governors of this charity. As one of them, I received these complaints. They were not idle reports, but regularly made out by a principal officer of the House, supported by affidavits, and transmitted in a regular official manner.

The nature of many of the complaints was such as the different boards established in the hospital could not rectify; for the complaints were chiefly against the proceedings of those boards. And the supreme and last powers, the general court and board of admiralty, instead of affording redress, had illegally deprived the complainant of his office, after having at least countenanced his being harassed with prosecutions in Westminster-Hall.

The charter itself, which had been so materially altered from the commission, was the fountain from whence most of the grievances flowed. The effect of those alterations could not be stopped in its course by any of the boards. The interposition of Parliament was necessary to bring back the charity to its original channel.

With a view to learn the truth of these complaints, their nature and extent, I moved your Lordships to undertake this enquiry. Captain Baillie's representation of grievances was fully sufficient to create, at least, a presumption that they might exist, and the repeated conviction of one of the most flagrant offenders in the courts of law, with the notorious subsequent employment and encouragement of the person so convicted, created something more than a presumption. If the grievances did exist, as they were of a nature that Parliament alone could remedy, it was the duty of Parliament to afford that remedy; if they did not exist, it was equally necessary that their futility should be made known, that the mistaken pensioner should be disabused, and that the alarmed public

public should be made easy. Whatever was to be the result, it could not proceed with any degree of satisfaction, but from a parliamentary enquiry. All the departments of the hospital were interested and parties concerned. They were writing libels against each other; for, if Captain Baillie's book is called a libel on the officers of the house, I am sure the report of the committee, and an anonymous pamphlet, entitled, Another State of Facts, were libels against Captain Baillie.

The enquiry therefore appeared to me proper and necessary. If, in the course of it, there should come out proof of misconduct in any officer, your Lordships might think it a ground for further proceedings in a regular manner against such person. You might direct him to be prosecuted, or you might take such other regular and legal steps as the occasion should require, and the wisdom of the House should suggest. But your Lordships would never deem any man either acquitted or condemned by what might incidentally have come out in an enquiry into another matter, wherein no charge was so urged as to convict, and wherein there was no hearing in defence to obtain an acquittal.

That observations should be made on what has appeared was unavoidable.

It is impossible for mankind not to form some conjectures on transactions which may be very apparent, and yet not susceptible of that degree of legal proof, which can alone support legal proceedings. Judges themselves, with all the rectitude and impartiality which ought always to accompany their characters, may have inwardly the clearest conviction of what they are not warranted judicially to pronounce. I need not say much to illustrate this point. How notorious is the sale of boroughs! the jobs that are given to secure them! and the undue influence of the Crown in Parliament! (I mean in former times.) No man doubts these facts, and yet how rare is detection! It might therefore happen, that although there should not appear any direct and legal proof against the true authors of such abuses, yet that the most plain understandings should see through their conduct.

Whatever such conjectures may have been, they have arisen from facts, not from my suggestions, nor has it been at all my object to bring them forth; my aim has been to ascertain the abuse. All consideration of marking or of punishing the delinquent has been lost in the more essential pursuit of the remedy. For although example may be the best me-

thod of preventing a repetition of crimes; yet, punishment, in my opinion, is only a secondary consideration, compared with the immediate redress of grievance. That this has been my main object I trust has fully appeared. I have not once condescended to ask a witness, whether he was a Huntingdonshire voter, or deviated from my single object, which was to ascertain the matters which form the subject of complaint.

It has been said, that although I have declared that I did not charge the first Lord of the admiralty in the enquiry, that Captain Baillie's book did; that his book is on the table before the House, and that therefore the noble Lord must be acquitted or condemned. But is this the method of proceeding in this House? Do we forget that the business of the committee is enquiry, not trial? Captain Baillie's book is before us as evidence of charges made, laid before the general court, but uninquired into by them, except in a most partial manner. To convert this evidence of one fact into a charge of another, into a charge against Lord Sandwich, for which he is now on his trial before this House, is perverting every idea of common sense and of justice. Indeed, this strange notion of considering every man on his trial before the committee, for what might come out in evidence upon another matter, has been attempted to be enforced, and the ridiculous consequences of that attempt have been so glaring, that the committee have desisted from pursuing it.—It was conceived, that a part of Captain Baillie's evidence was an accusation of Mr. Murphy; and it was contended, that Mr. Murphy should read his defence, and comment, article by article, on Captain Baillie's charge. But your Lordships' good sense put a stop to this proceeding. It is true, that the noble Lord at the head of the admiralty complained of my having induced the committee to stop this strange procedure, which he called a hardship on his witnesses. It is new to me to have to justify myself for leading the House.—As I stand here unsupported by the weight of office, or ministerial influence, and have had nothing to trust to but truth and reason, to persuade your Lordships, I shall continue to believe that the committee acted properly, and remain convinced that enquiry and trial are subjects totally different

I now come to consider what has appeared in the course of this enquiry.

And here I am persuaded your Lordships will think, with me, that it is not necessary for the House to come to any resolution

solution concerning many of the matters which have been examined into.

From the beginning, I wished to avoid giving the House the trouble of entering into too great a detail. Many points urged in Captain Baillie's book, and very proper for him, as lieutenant governor, to attend to, were not of a kind to deserve the attention of this committee. On these (and they are many) no enquiry has been made. Of those which have been enquired into, many are either actually redressed by his means, or are capable of redress from the ordinary constitution of the hospital. I shall not trouble your Lordships to take notice of these in the report I shall move to your Lordships to make to the House; but in justice to Captain Baillie, in justice to a man who has taken laudable pains to point out, and wherever it has been in his power, to correct every sort of abuse, I think it right to mention how far they have been proved. Some of these abuses may perhaps appear of a mean and frivolous nature, to those who will not consider how many things there are, which in the description appear extremely mean and contemptible, from being of the most ordinary and vulgar use, and yet contribute, for that very reason, essentially to the happiness or misery of mankind. But I shall be satisfied, though I should afford matter of ridicule to those who have more taste than humanity, provided that by laying open the very meanest of those matters, I may become serviceable to the ease and comfort of the meanest man in the kingdom.

These abuses are,

1st. *Respecting the danger of fire.*

Captain Baillie, in his book. page 68, says, "That the taylors' shop exposes the building to accidents by fire, from the carelessness of journeymen taylors, who work by candle-light.

Mr. Cowley deposed, that Captain Bailie had requested the committee to enquire into this business, but in vain.

Sir John Fielding deposed, indeed, that it did not appear where the late fire had begun; but he proved the practice of thirty journeymen taylors, of the lowest class, working in the hospital by candle light, being supplied with gin, and not being under the inspection of military officers.

2dly. *In regard to the sheets.*

Captain Baillie, in his book, page 68, mentions the complaints of the pensioners.

Thomas Field has deposed before us, that he had measured 770 sheets in the infirmary, and that he had found, on

an average, a deficiency of upwards of half a yard on each pair.

Mr. Godby, the steward, has contended, that they are obliged to cut the sheets shorter than the standard length of the hospital, to prevent remnants; asserting that the length of the pieces running from thirty-seven to forty yards, he cut them into eight sheets, or sixteen lengths. That the standard being two yards and a half for each length, they would be exact when the pieces measure forty yards, but deficient when under that length.

Mr. Price, a linen-draper, deposed, that Russia pieces of that sort run, on a average, to thirty ells, or thirty-seven yards and a half; so that on the average there must be a continual deficiency from the standard.

Captain Baillie, in his evidence, says, that if these pieces of thirty-seven yards and a half were cut into fifteen instead of sixteen lengths, the standard of the hospital would be adhered to without leaving any remnants.

3dly. *With respect to the shirts.*

Captain Baillie's book, page 69, states the complaints of the men.

Thomas Field deposes, that he had measured the linen in his ward, and upon 160 sheets and 160 shirts, he found a deficiency of ninety-five yards.

Mr. Godby did not pretend to deny the deficiency from the standard, but thought it enough to say, that the deficiency was not embezzled, but a saving to the hospital—A strange reasoning this! as if the purse of the hospital had any other interest than that of the pensioners, and that savings from the regulated allowances were a benefit to those from whom the savings are made.

Mr. Cust, chairman of the committee which was to examine into the abuses, admits that "in some instances the shirts were under standard certainly."

4thly. *In regard to the shoes.*

Captain Baillie, in his book, page 69, had taken notice of their being bad, and that the pensioners had complained to the council of them, 27th of June, 1777.

Mr. Cust, in his evidence admitted that "some that were produced were found to be very bad."

5thly. *In regard to the women's cloaths.*

Mr. Cust admits that "they were not so good as they used to be," and your lordships have had samples produced before you.

6thly. *As to the stockings.*

They

They were complained of by Captain Baillie, in his book, page 69.

It appears, by Mr. Godby's evidence that in May, 1777, "he complained to the directors of 6000 pair of stockings, and conceived that none of them were equal to the pattern; and it appears by the minutes of the court of directors, that the stockings returned were so bad, that one-third of them was returned to the contractor, and the other two-thirds kept, because there was no time to get better, and one shilling *per* dozen was deducted from those which from necessity were kept.

The council, on the 18th of July, 1777, "received several complaints (concerning stockings) found them to be justly founded, and ordered the steward to lay the matter before the board of directors, for their information, that the necessary measures might be taken for redressing the men."

Nothing was done in consequence of this minute.

7thly. *As to washing.*

It was complained of in Captain Baillie's book, page 68.

Mr. Ball, clerk of the council, read the minutes of 16th January, 1778, where it appears, "that three nurses complained that the linen of the men under their care was badly washed, and several pensioners produced their shirts, stocks, towels, &c.

"It appearing to the council that the complaint was just and well-founded, and that the washing of the pensioners is equally bad throughout the hospital: the matrons are hereby directed not to give certificates for any linen that is not really clean and well washed."

8thly. *Concerning the beer.*

Complained of by Captain Baillie, in his book, pages 64 and 65.

Captain Baillie deposed that there had been more complaints of the beer than of any other article. That, on October 9th, 1775, 4000 gallons of beer were started by the council, as bad.

The council, on 21st April, 1777, on a fresh complaint, "are of opinion, that the badness of the beer proceeds from the ready and easy communication of the water with the pipes, which convey the beer from the brewhouse to the sink where the beer is served."

Mr. Ibbetson and Captain Chads attempted to lay this fraud of the beer, not on the brewer, but on one Luke Davis, who had stolen some beer at one of the sinks; but as there

are two sinks, from whence the beer is served at the same time by different people, and at both the beer was found equally bad, it is impossible the fraud of Davis at one of them could be the cause of fraud at the other.

This complaint is fully stated in the minutes of the council, May 8th, 1778, "who sent for beer from both ends and middle of each dining-hall, and were unanimously of opinion, that it is unfit for the pensioners to drink. The council then repaired to the brewhouse, and found two vats of the same brewing not fit to be served to the pensioners."

They further resolved, "That the lieutenant-governor be desired to wait upon the governor with the copy of the minutes, hoping he will take some method with the board of directors for the relief of the pensioners."

9thly. *With regard to the posts and rails of the blind men's walk.*

Captain Baillie complained in his book, page 5 of his memorial, of their being taken down.

Mr. Barker, one of the chairmen, deposed "that certainly the committee did examine whether it was a grievance then subsisting, and it was not then subsisting, but rectified, and in a more safe order than before."

Sir William James, a member of the committee, deposed "that the charge respecting the inconvenience which the blind had laboured under was admitted or allowed to be a grievance, and that was understood by the committee to have been remedied."

Captain Allwright deposed "That the posts and rails round the hospital being taken down, of which the blind men complained, was done before Captain Baillie's case was heard before the committee, and that since that time, he knew of none put up to this day."

This instance is a striking proof of the reality of Captain Baillie's complaints, of the neglect of redress, and of the true spirit which animated that committee on whose report Captain Baillie is dismissed from his employment.

10thly. *As to the Rev. Mr. Cooke's having purchased his situation in the hospital.*

Captain Baillie complained of it in his book, page 11.

The Rev. Mr. Cooke acknowledged that he entered into an agreement, signed and sealed, with Mr. Tindal, to give him all the profits of his chaplainship during life, on his resignation in his favour, and accordingly paid him the profits while he lived. How far

far this was simony, the right reverend bench of bishops will judge. He farther acknowledged,

"That Lord Sandwich was acquainted with his negotiation with Mr. Tindal, but did not know the particulars of their agreement."

He also acknowledges "having given to Mr. Tindal 50l. to resign his place of director, to which he, Mr. Cooke, was appointed in his room."

11thly. *As to the intimidation that has been used to prevent persons from countenancing Captain Baillie.*

Alexander Moore deposed, "That the reverend Mr. Cooke, about the 15th of August, 1777, said to him, "that Captain Baillie was a very troublesome fellow in the hospital, and he himself had taken care that he had lost his best friend, and he might get him as he could, mentioning Lord Sandwich."

Lieutenant Charles Le Fevre deposed, "That he had received from Mr. Cooke numberless intimidations from giving support to Captain Baillie. He frequently told me, "that if I was seen in company with Captain Baillie, or had any correspondence with him, an end would be put to my preferment."—That he afterwards said to him, "I find you keep company with Captain Baillie, and he swore by God there would be an end put to my preferment if I did not desist."

"That he heard Mr. Cooke make use of the like intimidation towards his father, the late Lieutenant Lefevre." These menaces, very unjustifiable in any man, are shocking in a clergyman, who ought to be an example of order and decency; who ought to be animated with a peculiar charity towards the poor under his care; and who, instead of intimidating others from an enqniry into abuses, ought to exceed every one else in zeal for their correction.

12thly. *In respect to the painted hall.*

The books shew that 1000l. was given to Mr. Davies for this work, exclusive of scaffolding and various materials, that this was undertaken by private contract, and not advertised.

Mr. Bertels, an eminent picture-cleaner, deposed, "That had it been advertised he would have undertaken it for about 400l."

John Gloss, boatswain, who had the care of the hall, deposed, "That he had kept an account of the cleaning and repairing the paintings at the time the work was carrying on,

on, and that from an account of the time of the workmen, and their wages (of which the workmen themselves, and Mr. Davies's son had given him an account) the workmanship, exclusive of materials, amounted only to an hundred and seventy odd pounds."

Mr. Cipriani, indeed, deposed, "That he thought the work well done and reasonable." Mr. Cipriani compared this job with the cleaning and repairing the painted ceiling at the banqueting-house, now Whitehall-chapel, for which he thought he had been underpaid. Your Lordships will recollect, that Mr. Cipriani is one of the first painters in England, and not one of the cheapest; that painting and cleaning pictures are two very different sorts of work; that little more than care and some practice is necessary for the latter; while genius and great art, to be acquired by long study, are requisite to make a painter. If proper œconomy had been attended to at Whitehall or at Greenwich, some careful picture-cleaner, at moderate wages, would have been employed to remove the dirt, with which time had covered the paintings at those places, and Mr. Cipriani, or some great master, might have retouched such parts as had received any damage.

It is also to be observed, that Mr. Cipriani had never seen the paintings at Greenwich before they were cleaned, except once, about nine years ago, when he did not consider them with any view to examine what work might be necessary to clean and repair them, and cannot now say in what state they then were. He has never seen them since cleaning but once, and that from the floor, at the distance of about thirty feet. He has neither heard what their measurement is, nor knows the quantity of work that has been done. From hence your Lordships will see how little Mr. Cipriani is capable of judging in this business, nor will your Lordships think that any just comparison can be drawn from the repairs necessary to the works of Rubens, which have stood upwards of 150 years in the smoke of London, with those of Sir James Thornhill, which are in the pure air of Greenwich, and have not existed half so long.

Thus, my Lords, has it been proved, by undeniable testimony on oath, at your Lordships bar, * that no less than

* Lord Mansfield was pleased to say in the debate, that not so much as an attempt had been made to prove any one abuse, except that of the exorbitant price paid for cleaning the pictures.

twelve

twelve material abuses complained of by Captain Baillie, have actually existed in the hospital to the full extent of his representations.

I. Danger of fire.
II. Shortness of sheets.
III. Shortness of shirts.
IV. Badness of shoes.
V. Badness of stockings.
VI. Badness of washing.
VII. Badness of women's cloaths.
VIII. Badness of beer.
IX. Blind men being deprived of the posts and rails in their walk.
X. Sale of offices.
XI. Intimidation to prevent Captain Baillie from being countenanced.
XII. Extravagance in repairing the painted hall.

All these are clearly proved. There are many others of less note which I have omitted.

The abuses of greater consequence, and on which I shall ground the report, remain to be observed. But before I proceed to state them, I think it necessary to mention one article, which although proved in a certain degree, I am free to admit does not appear to me to be an abuse.

It is the lodging the clerks in the hospital, and giving to some of the officers in the house better accomodation than they had before.

There is no doubt but some of the wards and passages have been converted to these uses; but it has not appeared that it has been done in any improper degree or for any improper purpose. To judge of this matter rightly one ought to see the alterations; but I only speak from the evidence we have had, and from that, I am ready to allow, that there does not appear to have been any abuse in this article, except, perhaps, some impropriety in the manner by which several pensioners were suddenly dislodged many years ago.

But I admit, that with the increase of pensioners, an encrease of officers is necessary; and that it is proper that all officers and clerks, whose duty is in the hospital, should be lodged therein, provided they are seafaring men.

I have no partiality in this business, and am happy where I find an instance of misconduct not proved, to give the hospital credit for it. Sorry I am, that of all the articles complained of,

of, this is the only instance I can find under that predicament.

I now come to those matters of abuse on which I mean to found the report. They will come under two heads.

1st. *The introduction of landmen, contrary to the end and purpose of the institution and the directions of the charter.*

2dly. *The misconduct of the several boards.*

Under the first of these heads I shall first take notice, that in the council there are five members,

Mr. Eden, the auditor,
Mr. Ibbetson, the secretary,
Mr. Cooke, } chaplains,
Mr. Maule, }
Mr. Godby, the steward,

who are not within the words of the charter, "seafaring men, or such as have lost their limbs, or been otherwise disabled in the sea-service."

The charter says, page 17, "that the government of the house shall be performed by the governor, and such a council of the officers of the said hospital as the admiralty shall from time to time appoint."

Now the same charter authorising and empowering the admiralty to appoint all officers necessary to be employed in and for the said hospital, adds, "provided that all officers to be employed in the said hospital be seafaring men, or such who have lost their limbs, or been otherwise disabled in the sea service."

Here is, I conceive, a direct violation of the charter, for the council must be composed of officers of the said hospital; and all officers must be seafaring men. If it is pretended, that these five members of the council are not officers, the charter is infringed by making them of the council. If they are officers, it is infringed by their not being seafaring men, &c. Usage and custom can never be pleaded to justify a breach of such direct provisions, nor can they here afford an excuse; for if usage had shewn that such a deviation from the original commissions was proper, the framers of the new charter granted in 1775, and which seems so much accommodated to the views of the admiralty, should have rendered this legal by leaving out the proviso. But they have done otherwise: they have in the new charter repeated the strict proviso of the old commission, "that all officers to be employed in the hospital shall be seafaring men, &c." Instead of altering this regulation, they have confirmed

firmed it by the more solemn tie of a charter; they have made it a law for themselves, which they have violated in the five instances I have mentioned.

My next point under the same head is, that besides these five members of the council, there are twenty-one other offices in the hospital also held by landmen, contrary to the charter, viz.

——— Furbor, schoolmaster.
John Pocock, dispenser.
Francis Cook, secretary's clerk.
Daniel Ball, steward's first clerk.
Philip Lewis, } mates to ditto.
James Skeen, }
Alexander Moore, master cook.
Roger Hunt, mate to ditto.
Nicholas Levit, scullery-man.
Robert Russel, } mates to ditto.
William Garner, }
James Lane, porter.
David Storey, } surgeon's assistants.
Thomas Carnarvan, }
William Wheatley, dispenser's assistant.
Stephen Hickman, brewer.
William Dickey, turncock.
William Dickey, labourer.
Robert Milne, clerk of the works.
——— Paunceford, clerk of the council.
James Huggins, labourer.

I am not aware how this can be denied. They are all lodged in the hospital, and appear to me under the description of officers.

My third point under the same head is, that of three matrons which are established in the hospital, two of them are not widows or daughters of seamen.

Possibly a quibble may be raised by saying, that women cannot be called officers, and cannot be seafaring men, or be supposed to have lost their limbs and been disabled in the sea-service. My answer is, that the evident object of the institution was for the navy; and that whenever any persons, properly under a naval description, can receive any benefit on this establishment for themselves or their widows, they have a right to be preferred. Former usage shews, that this very office of matron has been looked upon by the hospital to belong to widows of seamen; but the present practice seems rather

to

to consider that character as a disqualification. Mrs. Smith, the widow of a captain in the navy, petitioned to be a matron, but in vain. A Mrs. Dennis, the widow of an admiral, has also petitioned; and there are now the widows of twenty officers of the navy serving as nurses in the hospital. If two of the present matrons, being neither widows nor daughters of seamen, is not a breach of the charter, it is, at least, a perversion of the institution.

Under the same head I have further to observe, that there are no less than twenty-five other employments held under Greenwich Hospital by landmen. As they are not lodged in the hospital, I shall not contend that they hold their offices contrary to the words of the charter, but certainly contrary to the spirit of this foundation.

There is scarcely any of these offices, which persons having served at sea, or who have been disabled in the sea-service, might not be found fully capable of executing. They consist of

Surveyor, Clerks, &c.

James Stuart, surveyor.
William Ferguson, auditor's clerk.
Henry Taylor, surgeon's servant.
George Hambley, steward's clerk.
J. Samworth, ditto.
George Smith, clerk of cheques clerk.
John Elder, ditto.
Lufton Ralfe, organist.
George Pope, brewer's assistant.
——— Pierson, ditto.
John Smith, ditto.

11

Persons holding under the Derwentwater estate,

Doctor Scott, rector of Simonbourne.
——— Lancastor, rector,
James Turner, } receivers.
Nicholas Walton, }

4

Persons belonging to the sixpenny-office on Tower-hill, all paid by the hospital fund.

Thomas Hicks, receiver.
J. Cleveland, comptroller.
J. Beverley, accomptant.

J. Bryan,

J. Bryan,
H. Mattocks,
William Gray, } their clerks.
Charles Eve,
J. Dalley,
Margaret Scold, house-keeper.
William Newnam, messenger.

10

25

Of these, the employment of surveyor, who, it is said, "must be an eminent architect," seems to me to be the only one which a seaman may not be capable of executing.

But I must here observe, that in the commission there was a power given to the commissioners "to call in to their aid and assistance skilful artists, to the end that the building and finishing of the said hospital may be carried on with as much speed as possible." As such, and while the building is going on (which ought long ago to have been finished) an architect may be employed, and when new works may be to be undertaken, such a skilful artist might be called in. This power was given by the commissions to the general court. The charter has left it out to center all power in the admiralty alone.

But I do not see any pretence for the hospital's having two architects, Mr. Stuart and Mr. Milne, under the denomination of surveyor and clerk of the works.

It has been said, that three other officers, viz. the auditor, organist and brewer must be landmen. I do not see why this is necessary. The auditor's business is not law business. If an organist is necessary, is there no seaman sufficiently musical for that employment? If not, this is but a single exception; and as to the brewer, I do not see why a seaman may not be as capable as the present brewer, Mr. Hickman, who was educated an ensign in the guards.

There can be no reason why all the clerks and under clerks should not be seafaring men.

Why should not the two livings of the Derwentwater estate be held by chaplains of the navy? Why was Mr. Scott to have the preference over them all? What was his merit? Was it being the author of Anti-Sejanus and other political writings?

I cannot

I cannot help observing on the difference between the treatment of two persons for their writings of the same sort, attacking favouritism. Mr. Wilkes was expelled Parliament, out-lawed, fined and imprisoned. The reverend Mr. Scott was rewarded with a living of 1000l a year. Mr. Wilkes adhered to his own independent principles. Mr. Scott belonged to a faction (of which the present first Lord of the admiralty is an eminent branch) which changed their language and and conduct on getting into place.

It has been said that the stewards of the Derwentwater estate must be landmen, but no reason has been given; it has been asked by the noble Lord at the head of the admiralty, "whether your Lordships would send to Greenwich to get a steward from among the pensioners, and whether being a disabled seaman was a qualification for a land-steward?" My answer is direct, it is no qualification, but it is no objection. There may be, and there are many meritorious seamen who are not disabled, very capable of this office. Are there not many admirals and captains secretaries, pursers and others, officers, lieutenants, or captains themselves, who are perfectly qualified for this office, and would be happy with such a provision?

I have next mentioned the sixpenny-office on Tower-hill. The salaries of the ten offices belonging to this estalishment come out of the seamen's pay. Why should not seamen enjoy the benefits arising therefrom? There can be no doubt but there are numbers of seamen capable of executing the the little duty the sixpenny-office requires.

From the foregoing account, your Lordships will see, that there are no less than fifty-three offices depending on Greenwich Hospital held by landmen. The noble Lord himself pretends only to cite five of them, besides the steward of the Derwentwater estate, that he thinks seamen are not fit to hold. Much parade is made for not having placed landmen as pensioners in the hospital. These situations are of small account compared with the profitable offices I have mentioned, which, to the amount of forty-seven, the noble Lord gives to landmen, although he admits they are not such as require the exclusion of seamen. This is the true friend of the seaman!

I come now to the second head. The misconduct of the boards.

There are several instances, in which the conduct of the board of directors strike me as highly blameable, but I shall confine myself to two.

It

It appears by their minutes, that they had referred to the council for their opinion, on the practice of giving money instead of provisions to the men, under the denomination of Butler's List, and Chalk-off Lists. The council saw some difficulties in removing the first, but with regard to the last, the unanimous representation of a very full council on the 9th of August, 1776, was in the following words: "That such practice (referring to the chalk-off list) is not only contrary to the establishment, but injurious to the health and morals of the pensioners, and is attended with many inconveniences, improprieties, and irregularities, and ought to be totally abolished."

This representation was made by the council to the board of directors, in consequence of a reference from themselves.

But the court of directors took no farther notice of it, and the practice subsists to this day.

It was indeed said by Mr. Ibbetson, 18th March, page 43, that he had heard from his clerk that the directors had seen reason to preserve that practice, as it would be taking too much off from the charity fund. And Lieutenant Moyle says, that many of the members of the council had altered their opinions. But nothing of this sort appears on the minutes either of the board of directors or of the council.

I shall not here discuss whether such a practice, which so full a council had unanimously recommended to be abolished, and had so strongly censured, was or was not deserving that censure. But Captain Baillie and Captain Allright swear, that these and other instances of neglect in the board of directors discouraged them from making farther complaints.

But the next is the most striking and alarming instance of misconduct, in the board of directors. It is "the renewal of the contracts with Peter Mellish for supplying the hospital with meat, notwithstanding his being on record for having cheated the hospital."

The story of this Mellish is well known, and briefly this:

He was employed by the directors to provide meat for the pensioners, at thirty-two shillings and six-pence per hundred weight. The complaints of the pensioners of the badness of the meat, excited the vigilance of Captain Baillie, who at length, through the assistance of Alexander Moor, the cook, detected the villainy of the contractor, prosecuted him in the King's Bench for the penalties he had forfeited, and brought him to punishment in the face of his country.

A second action was commenced against him for similar offences which could have been as easily proved, yet the direc-

tors permitted him to compound for one hundred pounds, penalties amounting to five hundred pounds.

Notwithstanding these repeated instances of knavery, notwithstanding it was proved that the meat he served was worth only fourteen shillings, when he was paid more than thirty-two shillings per hundred, yet the directors, in defiance of their duty, of humanity, and of their trust, renewed their contract with this convicted criminal.

I will do the directors the justice to state the apology they have made for their conduct, as mentioned by one of them, Mr. Cust, at your Lordships' bar, which is, "That as Mellish's offers were the lowest, they thought themselves under an obligation to contract with him."

But this principle is the most false and the most dangerous in its consequences of any I ever heard uttered; it is contradictory to all the rules of prudence which direct private affairs, and to all the policy, propriety, and decorum which ought to regulate matters of a public nature. It tends to maintain and encourage the wickedest and basest of frauds; since, according to this idea, the public conviction of dishonest practices upon the most important of all objects, the sustenance of meritorious age and infirmity, incurs, at worst, nothing but the immediate penalty; still leaving the capacity of future trust (trust relative to the very object of the fraud) as perfect as ever. It thereby destroys the greatest, if not the only prudential motive that any trading man can have to integrity and justice; namely, the benefit of a fair character, and the trust, confidence, and extent of employment, which ought inseparably to follow it. But in consequence of this principle, and of his example, a contractor with the public knows, that it is with difficulty he can be convicted at all of any fraud, however gross and palpable; he knows the man who convicts him will, like Captain Baillie, be praised and ruined; he knows, that when he has compounded for a very trifle, the advantages of years, perhaps of the most lucrative peculations, he may, by the riches acquired through that very iniquity, be enabled to outbid, as he had before out-faced, all the timorous integrity of honest tradesmen, who are kept down, and put to shame by the hardiness of his villanies; and after deserving the pillory a thousand times, he shall trample on all opposition, domineer in all markets, command all contracts, extend a purse-proud influence into every quarter of the country, and pass the hours of his repose from fraud, in county-clubs with the noblest company in the kingdom.

This

This, my Lords, to a public so full of dealings and contracts of all sorts, is no trifling concern. I have not mispent your time in marking and exposing this cruel and insolent fraud, and the profit, power, and importance that results from it. It is for you to determine how far you will join in the corruption of the morals and injury to the revenues of your country, which must inevitably ensue from such practices followed by such rewards.

I now come to the proceedings of the general court, and the committee they appointed.

Captain Baillie, after these and other fruitless attempts to get the abuses of Greenwich Hospital redressed by the council and board of directors, drew out a full account of them and of the general management of the hospital for some years back, which he entitled, The Case of the Royal Hospital for Seamen at Greenwich.

He caused it to be printed, not with an intent to publish it, but, in case he should be obliged to present it to all the commissioners and governors of the hospital, to save the expence of having two hundred copies written. His first step was to wait on Lord Sandwich, on the 7th of March, 1778, with a copy of this case, which with a letter explaining his reasons for so doing, he left at the admiralty. Captain Baillie proceeded no further in this business for some time, hoping his Lordship would take some step towards examining into the complaints, and towards rectifying the abuses.

It was not till the ninth day, after leaving his complaint with Lord Sandwich, that Captain Baillie called on his Lordship to know if he had any commands relative to the subject matter of the case he had laid before him. His Lordship said he had not. Captain Baillie then waited till the 26th of March, 1778, when he delivered another copy of his case, with a letter to Mr. Stephens.

The noble Earl has given as a reason for not taking any notice of the letter and complaint of Captain Baillie to him, that it did not come officially to him; that letters to him are all of a private nature, that those only which come to the secretary of the admiralty are of a public concern. I shall not dispute that this idea is strictly adhered to, when a grievance is to be redressed; but if a favour had been to be granted, or a good contract to be patronized, I strongly suspect that not writing to his Lordship would have been deemed a strange neglect and want of attention. And that a suitor would have little chance of success who should content himself with an official request to Mr. Stephens.

At all events, Captain Baillie's prior application to the noble Lord, was a proof that he was not wanting in respect to his Lordship.

Finding no redress from this step, Captain Baillie, as I have said, wrote officially to Mr. Stephens, on the 26th of March, inclosed his case of Greenwich Hospital, and desired it might be laid before the board of admiralty. He also requested that their Lordships would be pleased to summon "a full and general court of the commissioners and governors according to the true intent and meaning of the charter, to whom he most ardently wished to appeal. He also hoped, that to make such a court efficient it would be advertised three times in the Gazette, as well as summonses sent, that a proper number of respectable characters might be present."

I beg leave here to observe, that this request of Captain Baillie, that proper summonses or notices might be sent, was a matter of some importance. It is remarkable that there appears but one instance in the records of the hospital, as far as I have been able to examine them, in which regular notice was sent to all the members of the general court of commissioners to attend any meeting. So that perhaps all their proceedings from the first settlement of the hospital, may (if on a more strict search this should prove so) be deemed illegal and void, for want of such summons. And if the House shall think proper to proceed farther in this business, such a strict search may be very necessary. The single instance I have mentioned, was when a new steward was to be appointed to the Derwentwater estate. Mr. Ibbetson has informed the committee, that on that occasion there being two candidates, he had, of his own mere motion, sent summonses to all the members, except the princes of the blood: It does not, however, appear that this was ever repeated, not even on the passing of the new charter, nor on this occasion, when it was particularly requested by the lieutenant-governor, on a complaint of great abuses, into which he desired the general court would enquire.

His request that notice in the Gazette might be three times given, was also totally disregarded. The court was called in the usual manner, which from Mr. Ibbetson we learn, is, to summon only "the lords of the admiralty, secretary at war, treasurer and commissioners of the navy, lieutenant-governor, auditor and directors of the hospital, and deputy master of the Trinity House." These, it is observable, amounted on the present occasion to forty persons; of these, twenty-four were directors, and seven were lords of the admiralty, that

that is, thirty-one persons immediately affected by the complaint. The remaining nine consisted of the secretary at war and treasurer of the navy, who never attend, and of the secretary of the admiralty and six commissioners of the navy, who were not the most proper men in the world to sit in judgment on the conduct of the admiralty—a superior board under whose directions they are immediately placed.

When this general court, thus composed, met on the 14th of April, it consisted of twenty-five persons, of which all but two were affected by the complaint, either as lords of the admiralty, or as directors; and those two were Mr. Stephens, the secretary to the admiralty, and Sir Richard Temple, a commissioner of the navy. All the other great personages, officers of state, and others that are members of this court, were not summoned as they had been when Mr. Smeaton was appointed steward to the Derwentwater estate, nor was the meeting advertised in the Gazette, as Captain Baillie had requested. It cannot be urged, that this was refused for any good reason, since the subsequent general court, in August, to receive the report of the committee, was advertised without any request of Captain Baillie's. To advertise the meeting in August, when it could produce no effect, every body being out of town at that season, and to refuse it in April when many might have attended, serves only to convince us, that Captain Baillie's request was liable to no other objection than the good effect it might have produced.

This court thus constituted, met on the 14th of April, 1778.

The minutes say, "that Lord Sandwich informed them he called them together, to lay before them Mr. Baillie's letter to Mr. Stephens, and his printed case. His Lordship also laid before them several applications from the board of directors, several officers of the council, principal civil officers, and numbers of clerks, &c. (who conceive themselves greatly traduced and injured by the charges contained in Captain Baillie's book) desiring redress; all which were read. Captain Baillie acknowledges himself to be the author of the printed case. Great part of the said case was then read, particularly such of it as more immediately reflected upon the proceedings of the directors and their secretary."

Mr. Cust (one of the directors) then moved, that a committee might be appointed to "investigate the grounds of the charges contained in the said printed book."

Captain Baillie was then desired to name seven of the most independent directors to form a committee, which he

declined. Lord Sandwich then took a list of the directors, and having put down the names of the following gentlemen, viz.

Sir Meyrick Burrel,	Mr. Fonnereau,
Mr. Cust,	Mr. Savory,
Mr. Barker,	Mr. Wells,
Mr. James,	Mr. Reynolds,

Captain Baillie was asked, if he had any objection to them, to which he declined giving any other answer, than that he disapproved of the mode. It was then resolved,

"That the above-mentioned gentlemen, except Mr. Fonnereau, who desired to be excused on account of his ill-health, should be a committee (of whom three to be a quorum) to investigate the grounds of the several charges contained in the above-mentioned book; and they were desired to proceed upon that business with all convenient dispatch, at such times and places as they should think most proper for the purpose; and, when they had completed such investigation, to let the Lords of the admiralty know it, that another general court might be called to receive their report."

Two reflections occur on the proceedings of this general court, composed, as I have before stated, of directors and Lords of the admiralty. The first is, that they considered the directors as peculiarly concerned in Captain Baillie's book.—Lord Sandwich had laid before this general court applications from them complaining of it, and desiring redress. The whole of these and other applications were read, while only a great part of Captain Baillie's case was read. The minutes specify the part which was read "to have been particularly that which more immediately reflected upon the proceedings of the directors and their secretary." But notwithstanding these proofs that the general court looked upon the directors as more immediately concerned in the complaint, they appointed a committee, consisting solely of directors, to examine the grounds of it. The minutes of the general court state Captain Baillie as objecting only against the mode of proceeding, But he has sworn, that he objected to the constitution of that committee, as composed of directors, parties in the business, This evidence has not been controverted, and Captain Baillie's letter of the 18th of April, 1778, to the committee, protesting against their constitution and proceedings, is very full upon the subject.

The second reflection to be made is, that the motion for the committee by Mr. Cust, and the resolution of the general court are in the following words: "To investigate the

grounds

grounds of the charges contained in the said book." This was the matter referred to them, and no other. They were to enquire into the grounds of the complaint alledged by Capt. Baillie in his book, against any persons whatsoever; not the complaints of those individuals who had petitioned to the general court against him. For although their applications had been received and read, they were not referred to the committee, whose conduct to be regular should have been strictly governed by the matter referred to them. But, indeed, it is no wonder if these gentlemen sometimes confounded the characters in which they were to act, as it was the same set of gentlemen who appointed the committee, and composed the committee, who were judges and parties, who reported of themselves and to themselves.

I have already mentioned Captain Baillie's protest in his letter to the committee of the 18th of April, 1778. However, they proceeded, and had seven different meetings at Greenwich. To give an account of all the extravagance and injustice of their conduct would be voluminous indeed. A few particulars will mark the character of their proceedings. Mr. Cust, who sat as chairman six days, has deposed at your Lordship's bar, that the committee did not think they were to enquire into any matters respecting complaints against either the court of directors, the general court, the governor, board of admiralty, or first Lord of the admiralty. In consequence of this idea, the most essential parts of Captain Baillie's complaints were left unexamined, nor was any other means offered to Captain Baillie, whereby he might proceed in his complaints against these superior powers. Mr. Cust admitted, that as directors, they were parties interested, and could not judge in their own case. It is a pity that his ideas could not reach a little farther, and see that persons accused were not the most proper judges to try a cause of the same nature as their own, and where their own accuser was a party.

Let us now see how the committee proceeded to investigate those grounds of the charges contained in the printed book, to which they had now reduced the enquiry. Captain Baillie proposed to go through his book regularly, from beginning to end, article by article, and to bring evidence in support of each. This was refused: and the fact of the refusal, with many other particularities no less striking, appear in Mr. Cowley's evidence. Mr. Cust admits that he had settled with Mr. Morgan, who was employed as counsel for the persons who had complained against Captain Baillie, the plan for the proceedings of the committee. This plan, we learn from Mr. Morgan, was as follows: to collect from

Baillie's book such articles as related to one particular officer, such as the secretary, surveyor or steward, and to call upon Captain Baillie to make good those charges, so selected by Mr. Morgan. In this manner the committee directed him to proceed, notwithstanding his repeated protestations against so extraordinary a method. I believe this is the first instance in any court whose conduct claimed the smallest similitude to legal proceedings, where an accuser was dictated to as to the manner in which he should accuse, and his accusation regulated by the counsel for the accused. The thread of Captain Baillie's complaints was broken. He was obliged to jump backwards and forwards, from one page to another, just as Mr. Morgan chose to lead him. When he wanted to bring more evidence, he was refused. It was either foreign to the subject or not the proper time.

Mr. Cust had repeatedly assured him, that when Mr. Morgan had done, he should be heard, and bring what witnesses he pleased. Mr. Baillie submitted, relying on his promise; but Mr. Barker, who was chairman on the last day of the committee, knew nothing of this promise, and suddenly broke up the committee without suffering Captain Baillie to produce any farther evidence.

Captain Baillie had brought a short-hand writer to take an account of the proceedings. This was refused, and the man was turned out of the room; although Mr. Ibbetson, the Rev. Mr. Cook, and others complained of, and complaining against Captain Baillie, were suffered to take such notes as they pleased.

One instance of Captain Baillie's fairness is very remarkable. It had been contended that the specimens of bad cloathing which Captain Baillie offered to produce, might have been picked—Sir William James proposed examining the first men that passed. Captain Baillie most readily assented to such an impartial examination, and earnestly pressed that the men on guard, or any other men taken by chance, might be examined: but this was refused by the committee.

Another instance before alluded to, proves how this committee investigated the grounds of the charges contained in Captain Baillie's book. He states a grievance of the poor blind men, that the posts and rails belonging to a walk called the blind men's walk, whereby they were enabled to feel their way in safety, had been taken down, and had occasioned some accidents. One man had fallen down, and broke his thigh. Captain Baillie begged that several of the blind men then at the door might be called in, and examined as to this

complaint,

complaint. This was refused, and it was then that Captain Baillie going out of the room lost his temper, and told these poor creatures that they would meet with no redress; that they might "break their necks and be damned, nobody would save them." At your Lordships' bar, Mr. Barker, the chairman, and Sir William James, one of the committee, have deposed, that their reason for not examining into this matter was, that it had been redressed. But as I have before stated, Captain Allwright, who lives in the hospital, positively swears, that the posts and rails in the blind men's walk, taken down before Captain Baillie's book appeared, have never been put up again!

The minutes of the proceedings of this committee shew how these meetings were attended.

At the first meeting were present,
Mr. Cust,
Mr. Wells,
Mr. Savory,
Mr. Reynolds.

At the second meeting,
Mr. Cust,
Mr. Wells,
Mr. Savory,
Mr. Reynolds.

At the third meeting,
Mr. Cust,
Mr. Barker,
Mr. Reynolds,

At the fourth meeting,
Mr. Cust,
Mr. Wells,
And Mr. James, for the first time.

At the fifth meeting,
Mr. Cust,
Sir Meyrick Burrel,
Mr. James,
And Mr. Reynolds.

At the sixth meeting,
Mr. Cust,
Mr. Wells,
Mr. Reynolds.

At the seventh meeting,
Mr. Barker,
Mr. James,
Mr. Wells.

No one of the members attended all the meetings, so that none of them could say he had gone through this examination, such as it was. There was an eighth meeting, but whether to call it of the committee or of directors, I know not. Captain Baillie was excluded from this meeting. An answer from the directors respecting their conduct was there drawn up, and added to the report, but no accuser, witness, or evidence heard. Mr. Cust and Mr. Barker signed the report, as chairman. Mr. Cust has deposed, that he signed only for the six days he attended; but Mr. Barker has sworn, that he signed for the proceedings of the whole seven days, although he

he was present only two days; "presuming (as he says) that the committee did when he was absent as when he was present; and that being men of business, they could not act otherwise than regularly."

The general court of commissioners and governors was held on the 12th of August to receive the report of this committee.

I have already mentioned, that this meeting was advertised in the Gazette; but being in the midst of Summer, this measure did not produce a very great attendance. There were present twenty persons; of these, sixteen were interested in the complaint. The other four were, Mr. Stephens, secretary to the admiralty, Sir George Rodney and Sir Edward Hughes, Admirals, and Sir John Williams commissioner of the navy.

At this meeting a report of the committee was read, as was a letter from Captain Baillie to the governors and commissioners, objecting to the committee, complaining of their proceedings, &c. &c.

An altercation then took place, whether an assertion of Captain Baillie's in that letter, "that he was informed by Lord Sandwich at the last court, that none are summoned to the general courts but those whom he thinks proper." was founded in truth. Lord Sandwich appealed to the commissioners who were at the last court, and they all were positive that his Lordship had not said any thing which could be so understood." There can be no doubt on such testimony, and yet I can conceive that Captain Baillie might be led so to understand the matter, from finding that his request for a general summons was disregarded, and his desire that the meeting might be advertised complied with, only when it could be of no use.

The general court came to the following resolutions:

"That the several charges contained in Captain Baillie's book, which have been examined into by the committee appointed for that purpose, appear generally malicious and void of foundation, and tending to disturb the peace and good government of the hospital; and that a copy of the report of the said committee be therefore laid before the Lords commissioners of the admiralty, and that it be submitted to their Lordships, whether, for the better government of the Hospital, it may not be adviseable to remove the said Captain Baillie from his employments of lieutenant-governor and one of the directors thereof."

In Captain Baillie's evidence of the 12th of March, he swears, that he had in his hands the depositions for his defence

defence in the King's Bench. That he tendered them to the general court. "They were refused, and the answer was, they were not come to hear evidence upon oath, but the report of the committee."

It did not require much time to give to these resolutions of the general court, the stamp of authority from the admiralty. The three Lords who had just sat as members of the general court, immediately transformed themselves into a board of admiralty. The minute states them to have received a letter from Mr. Ibbetson of that day's date, inclosing a copy of the proceedings of the general court. It states them to have read the report of the committee, and the minutes of the preceding general court, when the committee was appointed. It also states them to have read a letter of the 8th of August, signed by fifteen principal officers of the hospital, desiring Captain Baillie's removal.

Upon these grounds, and no other, the Lords commissioners of the admiralty resolve—"That it is expedient for the peace, quiet, and regular conducting the business of the hospital, that Captain Baillie be suspended from his employments, both as lieutenant-governor and director, and one of the council of Greenwich Hospital, till further order."

"Resolved, That directions be forthwith given to Sir Charles Hardy, to cause him to be suspended accordingly."

Two days after, viz. on the 14th of August, 1778, Captain Baillie, in his letter to Mr. Stephens, "requested him to move the Lords of the admiralty to direct that he might be furnished with a copy of the order by which he was suspended," but never could obtain the same.

On the 1st of December, 1778, Captain Baillie wrote to the Lords of the admiralty, intreating to be restored to his station in the said hospital.

On the 8th of December, 1778, Captain Baillie wrote to Mr. Stephens, begging that, "he would be pleased to lay his humble request before their Lordships or the general court, as the case might be, to the end that he might have authentic copies of any new complaints. And also that their Lordships might be pleased to give directions that he might have a true copy of the report made at the general court held at the admiralty, of the 12th of August last, by the late committee of enquiry appointed for that purpose."

In answer to this letter of Captain Baillie's, Mr. Stephens, on the 11th of December, writes, "I am commanded by their Lordships to acquaint you, that they have not received any new complaints against you, and that as the report above-

men-

mentioned was made to the general court, their Lordships do not think themselves authorised to give directions for your being furnished with a copy of it."

It is true this letter is not before the committee. The order having been only for letters written to the admiralty, not for those written by their secretary. But the original is in Captain Baillie's possession, and ready to be produced to your Lordships.

On the 25th of December, 1778, the admiralty dismissed Captain Baillie. The minute of their proceedings is so curious and so important in this business, that I must beg leave to read the whole minute of it.

Admiralty-Office, December 25, 1778.

"Present Earl of Sandwich, Mr. Buller, Earl of Lisburne, Lord Mulgrave.

"Read a letter of the 1st inst. from Captain Baillie, desiring to be restored to his station in Greenwich Hospital;

"Read also a letter from the directors, and a memorial signed by fifteen of the principal officers, as well military as civil, both dated the 4th instant, repeating their former applications, that justice may be done to their much injured characters;

"Read also the warrant by which Captain Baillie was appointed lieutenant-governor of Greenwich Hospital; the order for his suspension, and the clause of the charter authorising and empowering the admiralty-board to displace, move, or suspend officers for misbehaviour, and to appoint others in their room.

"And their Lordships having resumed the consideration of the minutes of the general court, and the report of the committee relative to Captain Baillie, and the several applications which have been before made to them by the directors and others who conceived themselves greatly injured by his book,

"Resolved, That the said Captain Baillie, for his misbehaviour, as stated in the report before mentioned, be removed from the offices of lieutenant-governor, one of the directors, and one of the council in Greenwich Hospital.

"Resolved, That Captain Jarvis Maplesden, first captain in the said hospital, be appointed to these offices in his room.

"That the Captains of the said hospital, below the said Captain Maplesden, be moved up, and

"That Captain James Cook be appointed fourth Captain, in lieu of Captain Chads."

On

On the 30th of January following, Captain Baillie, in a letter to Mr. Stephens, repeats his request in the strongest manner, for a copy of the report, together with the other papers relative to him, and read before the admiralty on the 25th of December, when he was dismissed. He also desires to have copies of the resolution of the general court of the 12th of August last, respecting himself, and of the original order to the committee. He desires these for the furtherance of justice, being advised that he is entitled to a legal remedy.

Captain Baillie again, on the 9th of February, in his letter to Mr. Stephens, repeats his request for these papers. He insists on them as his right, and at all events hopes he shall be intitled to an answer.

But to all these requests Captain Baillie got no other answer than that of the 11th of December above-mentioned, wherein the copy of the report was refused, and he never obtained any of the papers.

It is here necessary that I should call your Lordships' attention very particularly to this proceeding of the board of admiralty. By the new charter of 1775, the admiralty had got the power of appointing to all offices in the hospital. They had also obtained the power and authority to displace, move, or suspend, any officer for his misbehaviour.

I believe it will not be contended, but that the charter giving the power of removal for misbehaviour, restricts that power for any other cause than misbehaviour: that by so doing, all officers so appointed, enjoy a freehold in their office, from which they can be removed only for misbehaviour. The persons to judge on this misbehaviour are the admiralty; but in judging of it they must observe something of the usual forms of legal proceedings. Before a man can be removed from his freehold, he must be charged with some act of misbehaviour, as a cause of his removal. That act must be regularly proved, and he must be heard in his own defence. The court authorised to determine, must itself hear the cause. It cannot delegate the powers with which it is vested. The charter has constituted the admiralty the proper board to remove for misbehaviour—they alone can judge of it; no other set of men can exercise this judgment for them.

In the present instance, even that burlesque upon courts of enquiry, the committee, was not appointed by the admiralty, but by the general court; and the general court itself has no power by the charter to judge of misbehaviour. It is the conduct of the admiralty, acting as a board of admiralty, that can be alone considered in this business: nor will it be of any

avail

avail to say that the general court by its constitution, necessarily included such a number of the Lords of the admiralty as would make a board.

When they meet at a general court of commissioners and governors of Greenwich Hospital, although the meeting is at the admiralty office, although they sit there in right of their seat at the admiralty, yet they are then acting only as governors of Greenwich Hospital.

To exercise the powers vested by the charter in the admiralty, that board must lie legally convened, and sit and do business as a board of admiralty.

This distinction is evidently admitted in the proceedings now on your Lordships' table.—The general court on the 12th of August, recommend the removal of Captain Baillie.—The board of admiralty on the same day, consisting of the same three Lords who had attended the general court, take into consideration the recommendation of the general court, and suspend Captain Baillie. His removal on the 25th of December is also by the board of admiralty.

But did that board of admiralty ever take those steps which I have mentioned, as requisite to remove a man from his freehold, or indeed to subject him to a penalty of any kind grounded upon his delinquency in any way? Was Captain Baillie charged with any specific instance of misbehaviour? Did the board of admiralty communicate any such charge to Captain Baillie? Did the board of admiralty ever hear any one individual witness against Captain Baillie? Was there any confrontation of witnesses? Was Captain Baillie heard in his defence, or ever heard at all? It appears by the evidence, that none of these requisites were observed.—Can your Lordships then hesitate to say, Captain Baillie's removal, so circumstanced, was illegal? But it may be said, that Captain Baillie's appointment was only during pleasure. I know that the practice has been so to word the commissions of officers in Greenwich Hospital; but the charter, which mentions the lieutenant-governor, and which gives to him and to all officers a freehold in their office, can never, as I conceive, be defeated by a prior appointment having given them a tenure of less extent. But if we were to admit, what never can be admitted, that the office was held during the King's pleasure, is there any thing to shew, that the King's pleasure has been taken on the occasion? It is the board of admiralty, as a board (and not a minister signifying the King's determination of an office) that removes Captain Baillie. Their own sense of the matter is beyond all dispute, by their own mode of proceeding. They acted upon a complaint. That is, they acted

ted judicially. They read the complaints of the several parties, and enter the reading on their minutes. They read the charter impowering them to remove for misbehaviour. They therefore proceeded with a full sense, that complaint and misbehaviour was the sole ground of their authority to remove. In a word, they proceeded formally as a court, and with the greatest regularity imaginable, omitting only the essential part, that is, all sort of proof of the misbehaviour on which they grounded their judgment, and the hearing or calling the party whom they thought proper to condemn.

I now come to the last and most material article of abuse, that has existed in Greenwich Hospital, I mean the alterations in the charter from the old commission.

The noble Lord, at the head of the admiralty, seems to pride himself much, that in the investigation of this part of the business, these alterations have not been brought home to him. It is certain that the witnesses, Mr. Everist, and Mr. Sibthorpe, Mr. Ibbetson, and Mr. Eden, have steadily sworn that his Lordship had no concern in them. From their evidence it does not appear that his Lordship knew any thing of such business being in hand, till the draught was laid before the court of directors.

Before I remark on this fact, I must beg leave to point out to your Lordships, how extraordinary it is that the noble Lord, who values himself so highly on his attention to the minutest affairs of that hospital, should take great pains to prove that he paid no attention whatever to the most material points of all, no regard to the sole foundation of all the œconomy, police, rights and powers of that institution, and even of his power over it—the charter. That he should have been even ignorant, utterly ignorant of the whole of this important transaction,—he who so highly values himself on fitting up a dining room! Did ever any man before that noble Lord attempt to exculpate himself from being the author or adviser of an act which in argument he holds not only defensible but proper, by proving himself guilty of a negligence extremely culpable, and which it is impossible to defend! It is a strong presumption that he looks on that charter to be of such a nature, that a complete ignorance of it, and a negligence, however faulty, that removes him at a distance from any interference in it, is the most reputable situation with regard to that business in which he can stand.

But however this may be, I may hope still to contend that the alterations were such as his Lordship did not disapprove. As to its not being proved that he contrived them, I am per-

perfectly contented that the noble Lord should remain possessed of the triumphs he seems so pleased with on this occasion. It is immaterial to me who altered the charter. It is not immaterial to Greenwich Hospital that it was so altered.

The first alteration is taking from the general court the recommendation to all the officers in the hospital, which was vested solely in them by the commission, and placing in the admiralty the appointment of all officers without such recommendation.

This alteration totally changes the constitution of Greenwich Hospital. It renders the general court of commissioners and governors insignificant, and makes the admiralty the sole and uncontrolled ruler of this charity. It deprives it of all check and of all hopes of redress in case of abuse.

If the general court in any instance was guilty of misconduct, the superintending power of the admiralty was ready to correct the grievances. But now that the admiralty has ingrossed the whole government of the hospital, if by chance they should swerve from their duty, be guilty of any job, or place landmen in this naval establishment, where is the controlling power that can correct them? I know of none but Parliament, and your Lordships have seen the difficulties attending such proceedings here.

The higher branches of government should always be confined to their proper sphere, and never be suffered to become executive where they should be only superintending.

While the government of the East-India company was left to their own directors, though very ill conducted, it was not half so ill conducted as since ministers have, in fact, taken it into their own hands. Before that time, the servants of the company were under some restraint from the fear of the interposition of government, and of being punished for abuses. Now, that fear is removed; since it is government itself which directs; and there is now no greater fear in robbing the inhabitants of India, in extorting presents of millions from nabobs and princes, or in plundering the company itself, than in rendering England a bankrupt nation to enrich a minister and his dependents.

Any power without check is dangerous. That acquired by the admiralty in Greenwich Hospital is, in fact, without a check.

But we are told by the noble Lord, in defence of this important alteration, "that usage, as well as common-sense, shew, it was never intended to be otherwise."

I shall

I shall not trouble your Lordships with any remarks upon that extraordinary species of common sense which attempts to prove, that a commission giving in the most express terms the right of recommendation to a body of men, meant thereby, that they should never use it, but that another should.

I should think myself still less excusable, if I should take up your Lordships' time in disproving the impracticability (another exception taken) of regulations which commenced in the year 1703, and, according to the noble Earl's own account, did not cease till the year 1722. I shall content myself with explaining how the other defence, usage, supports this pretended intention of the commission so different from its provisions.

I find from the minutes of the hospital, that the course of proceeding at the first establishment, and for many succeeding years, was this:

Upon the vacancy of any office, the petitions of those who had any claims to offer, were presented to the meeting of the directors. There the certificates of their qualifications were examined, their respective pretensions enquired into, and a report made of the whole to the general court.

At the general court the report of the directors was taken into consideration; and an order made for recommending to the admiralty such of the candidates as were fixed on for supplying the vacant offices. It sometimes happened, when the merits of the Petitioners were nearly equal, or when the court wished to pay a personal compliment to the lord high admiral, that the court recommended two or more for the same office, leaving the choice of them to the Prince of Denmark.

The noble Earl has said, "that in one instance six persons were named to be chosen out of." I am exceedingly obliged to his Lordship for pointing out this instance to the committee, as the proceedings of the admiralty, of the directors, and of the general court, in that case, afford the completest proof how the usage was, and will save me the trouble of selecting many others, out of the numerous instances in which the minute-books of the hospital abound. It is in the minute-book D. folio 23.

By the directors in the Hospital at Greenwich, December 29, 1716.

"Mr. Kynaston acquainted the board, that he had received a letter from Mr. Burchet, secretary to the admiralty, with directions to acquaint the directors from their Lordships,

ships, that by the commission, all the officers for Greenwich Hospital are to be recommended by the commissioners, and not by the directors, and that their Lordships had appointed that a general court be held this day se'nnight, in order to recommend a secretary to the said hospital."

At a general court of the commissioners, at the admiralty office, January 5, 1716-17, Minute-book D. folio 25.

"A general court being called, in order to recommend to my lords commissioners of the admiralty, a secretary to Greenwich Hospital, in the room of Mr. Vanbrugh, deceased, they proceeded to the same, and agreed to recommend Mr. Bell, Mr. Thomas Corbett, Mr. Robert Southby, Mr. Hawse, Mr. Maddox, and Mr. Hall, to their Lordships, and desire their Lordships' approbation to either which they shall think proper, if they shall appear to their Lordships to be duly qualified."

By the directors in the Hospital at Greenwich, January 26, 1716-7, Minute-book D. folio 27.

"Mr. Thomas Corbett presented his warrant from the Lords commissioners of the admiralty, appointing him secretary to the said hospital, in the room of Mr. Vanbrugh, deceased, the same was read and ordered to be entered, and he took his place accordingly."

"But," says the noble Earl, "the absolute and final appointment was in the admiralty." The final appointment undoubtedly was, since it was necessary that the warrant should be signed by that board; but if, by absolute, he means that they had a right to appoint without the recommendation of the general court, his position is by no means true. The admiralty of 1716, in the letter I have quoted, say directly the reverse.

Besides the instance above adduced, I shall only beg leave to bring one more, which proves, beyond dispute, that the admiralty had no right to proceed to the appointment of any officer previous to the recommendation of the general court.

By the directors in the hospital at Greenwich, August 9, 1705, Minute-book D. folio 113.

"A letter from Mr. Burchett, secretary of the admiralty, recommending Mr. Thompson, porter of the admiralty, to be messenger to Greenwich Hospital, was read and accepted, provided he has belonged to the sea."

I hope I have proved, to your Lordships' conviction, that usage has not served the noble Earl much better than common sense, in his attempt to shew, that it never was intended

the

the general court should fix upon the persons who were to hold offices in the hospital. It remains to be considered, whether, during the period that this power in the general court existed in practice, the great ends of the charity were more effectually carried into execution, than when, by degrees, the sole power of appointment slipped into the hands of the admiralty. We shall then be able to judge how far experience justified his Lordship, as the friend of the seamen, in his endeavours to establish, by his new charter, a practice which had crept in by the neglect of the old commissioners.

In the first part of what I have troubled your Lordships with, I have fully explained how little the introduction of landmen into the offices in the hospital is warranted by the old commissions or new charter. But it is said, that it would be as reasonable to expect that the managers of Bedlam should be lunatics. My grave answer to this miserable attempt at ridicule, by comparing seamen with madmen is, that if Bedlam Hospital was founded, in its administration, as well as in its benefit, for the sole use of madmen, and that lunacy did not disqualify from the management, the managers ought to be madmen. And as being a seaman is not being a madman, nor any disqualification from the management of Greenwich Hospital, I think the positive directions of the charter should be observed.

I shall now beg your Lordships' permission to examine a little farther what was the practice, with respect to the appointment of seamen to the management of this hospital, at the time of its first establishment. The practice of that time will, I think, prove the best comment on the intentions of its founders. And I think I shall prove, to your Lordships' satisfaction, that none but sea-faring men were formerly looked upon as qualified to hold any offices in the hospital at all. That none but such were recommended by the general court, and that when seamen capable of executing any of the offices were wanting, persons were appointed, *pro tempore*, to fill them.

The first proof is a general order given by the court of commissioners to the Directors, August 11, 1704, Minute-book D. folio 32.

" At a general court of the commissioners for the hospital at Greenwich.

" Several petitions relating to offices, which had been laid before the board of directors were offered to consideration, and are referred back to the directors to examine the same, and report by an abstract thereof, the claims therein made,

respecting all such as are not qualified according to the intention of the commission."

What is meant by being qualified according to the intention of the commission, will appear from the following letter of recommendation to the Lord high admiral, of persons to be appointed stewards and matrons:

By the directors of the hospital at Greenwich, &c. October 5th, 1704, Minute-book B. folio 40.

"May it please your Royal Highness,

"The directors of the royal hospital at Greenwich received and perused the petitions of Richard Gibson and Joseph Gascoyne, relating to the office of steward, and having had due consideration to their respective qualifications and service of the crown at sea, do humbly take leave to lay their names before your Royal Highness, for filling the said office, as a necessary preparation towards the taking men into the said hospital.

"And there having been likewise divers women praying our recommending them for the office of matron, we likewise humbly take leave to lay before your Royal Highness the names of those persons which are looked upon to be qualified by the constitution, for your Royal Highness's election of a matron, and most humbly leave the same to your Royal Highness's consideration.

Petitioners for steward.

"Joseph Gascoyne, registered, and well recommended from all the commanders he has served with.

"Richard Gibson sets forth his merits and long service in his petition, and very well recommended."

Petitioners for matron.

"Susan Sherwin, sets forth the long service of her husband in the wars of 1666, when he commanded several small ships. He was blown up in the Breda.

"Elizabeth Yelverton, her husband died master in the vessel, having served the crown from his youth, &c.

"Rachel Low, her husband served as master of divers ships, and died in the service."

A representation to his Royal Highness, recommending the petitioners for steward and matron, was agreed, and is to be prepared to be signed at the next meeting.

The following, out of innumerable other instances to the same effect, will be sufficient to shew your Lordships that the appointment of seamen to the offices in the hospital was an object of which they never lost sight.

At a general court, August 22d, 1705, Minute-book B. *folio 118.*

William

"William Thompson having petitioned to succeed as messenger, it is to be enquired whether he is a seafaring man."

By the directors, &c. November 8th, 1705, Minute-book B. folio 130.

"Thomas Hog being offered and recommended, and appearing to have been employed in the service of the crown, he is to be recommended to the general court."

By the Directors, &c. February 2d, 1704-5, Minute-book B. folio 91.

"Richard Henderson, of Greenwich, having shaved the pensioners to this time, is to continue the same, till some sea barber be appointed."

By the directors, &c. August 30th, 1705, Minute-book B. folio 119.

"David Williams, having officiated as clerk from the first entertainment of the pensioners, is to be further employed till some seamen be appointed."

I now come to a very serious part of this business.

The noble Earl has appealed, with imprudent confidence, to the paper on your Lordships' table, which contains a list of all the appointments of officers, civil and military, since the first institution of the hospital in 1704, by which he tells us it appears how that matter was understood at first, and that not one of the persons first appointed to the civil offices was a seaman.

How the matter was understood I hope I have shewn pretty clearly to your Lordships, by the extracts which I have read from the Minute-books of the hospital, most of which are dated in the years 1704 and 1705. The same books may perhaps be of more use to us in ascertaining the practice, as well as the sentiments of the first commissioners of the hospital, than the list given in at your Lordships' table by Mr. Maule, whose return, I take upon me to prove, is false in no less than five instances.

The second person mentioned in that list is Joseph Gascoyne; he is put down as steward, and not served at sea.

The clerk will be so good as to read the letter from the commissioners to the Lord high admiral, Minute-book B. folio 40, October 5th, 1704.

Petitioners for steward.

"Joseph Gascoyne, registered and very well recommended from all the commanders he has sailed with."

I believe your Lordships will have little doubt of Joseph Gascoyne's having served at sea.

A little lower down stands Edward Griffiths, cook's-mate, not served at sea.

The

The clerk will now read, in the same book, folio 219, the minute relating to Edward Griffiths. July 3d, 1707.

By the Directors, &c.

"Edward Griffiths, applying to be admitted assistant to the cook, he is to be recommended to the general court, if it appears he has served at sea." At folio 239 he will find that he was recommended accordingly.

I think your Lordships will give credit to Edward Griffiths, that he has also served at sea.

Two names lower, in Mr. Maule's list, appears William Silkworth, scullery-man's mate, not served at sea.

The clerk will read the Minute-book, relating to this said Silkworth, folio 207, March 6th, 1706-7.

By the directors, &c.

"John Silkworth, an ancient seaman, is to be recommended for scullery-man's mate." There is a mistake in the Christian name, but from the office it is evidently the same man.

Have your Lordships any doubt that this Silkworth has been at sea?

Next but one to Silkworth stands James Barnes, porter, not served at sea.

The clerk will now turn to folio 142, and read what is there said of James Barnes, January 3d, 1705-6.

By the directors, &c.

"A petition of James Barnes, cook of the London, was read, and, on reading his certificates ordered that he be recommended to his Royal Highness as a person fitly qualified for porter of the royal hospital, according to the prayer of his petition."

To James Barnes, my Lords, one of the persons first appointed that never was at sea.

The last in the list is William Buller, barber, not served at sea.

If your Lordships' patience be not exhausted, the clerk will read the minute relating to William Buller, at folio 118, August 22d, 1705.

At a general court, &c.

"Wm. Buller petitioning to be barber to the hospital, his petition is to be referred to the navy board for a certificate of his service at sea." I cannot pass over this matter without calling your Lordships' attention to so very extraordinary a falsification in returns made by your Lordships' orders. The list of officers in the Prince of Denmark's time consists but of twenty persons, a fourth part of whom are falsely returned in the list before your Lordships, and in such a manner as to mislead

mislead the committee in one of the most important objects of their enquiry: and the noble Earl has built the best part of his defence upon this rotten foundation. *

---

* As the cotemporary practice of the commissioners and board of admiralty is undoubtedly the best interpreter of the intentions of the original institution, it may not be improper to state the following instances in addition to those mentioned above.

Extracts from the Minute-book of the commissioners of Greenwich Hospital.

By the directors, &c. December 9th, 1703, p. 13.

A petition of Mr. Le Neve concerning the place of auditor to the hospital was read and ordered to be laid before the general court, with the petition of Mr. Moody, and others, relating thereto.

By the directors, &c. February 17th, 1703-4, page 16.

A petition of Joyce Russel, widow, desiring to be admitted a matron in the hospital, was read, and is to be considered at the proper season.

By the directors, &c. August 10th, 1704, page 30.

A petition from Mr. Richard Gibson was read, desiring to be steward of the hospital, and ordered to be laid before the general court.

By the directors, &c. August 24th, 1704, page 32.

A petition of Rebecca Dawson, to be nurse, was presented, and is to be considered with other petitions of a like nature.

By the directors, &c. September 14th, 1704.

The petitions of all persons petitioning for offices, and the women for matrons and nurses, were examined, and the women who were present were called in and heard, and an abstract was made of them to be laid before the general court.

By the directors, &c. September 21st, 1704, page 37.

Several certificates were read, relating to the women petitioning; they are to be referred to the clerk of the ticket-office to be examined.

By the directors, &c. September 28th, page 38.

Several petitions were read, viz. J. Illingworth for butcher, B. Hazelwood for an employment, John Shot for barber, Thomas Mills for employment, Christopher Hocker, Mag. Davis, Sarah Burchmore, for nurses, or like service, and Henry Middleton for surgeon.

By the directors, &c. May 1st, 1705, folio 104.

Tilladams, a seaman's widow, to be further recommended for a nurse, to the general court.

These are what appear manifestly on the face of their own books, and I have not myself a shadow of doubt, from the general mode and spirit of their proceedings, but that the greatest part, if not all the rest of the officers, consisted of seamen. With regard to the chaplains, one of them is allowed to have been at sea; the other, Mr. Stubbs, was chaplain to the dock yard at Woolwich, and may on that account be supposed to have had some sort of claim to the benefits of a naval charity. For by the appointment of the chaplains of the ordinary of Woolwich and Deptford to be chaplains to the hospital, their annual pay and profits, on an average amounting to about 170l. a year, is added to the fund of the hospital.

Some other alterations in the charter from the commission have been taken notice of and defended.

I have already so fatigued your Lordships and myself, that I will not abuse your patience in adverting to them any farther than to say, that if they are innocent, they appear to me also useless.

If the new powers given by the charter to alien and sell, are incidental to all corporations, without express words to give them that power, it did not seem necessary to give that

---

Two more instances of seamen's widows, recommended to be nurses in the hospital, are found in the same Minute-book, folio 190, and folio 191, and two more in Minute-book C. folio 16, and folio 172.

Can there be a doubt, from these extracts, that the sense of the governors of this hospital was, from its first institution, consonant with the plain and express words of the commission?

Petitions for admission are founded on pretensions arising from services at sea. The court of directors and general courts refer to the ticket-office for proofs of service at sea.

Reports from that office certify accordingly.

On those reports appointments are made out.

Throughout the whole the words, *duly qualified* are to be traced, and the due qualification is proved to be service at sea.

This is not for the admission of pensioners, but for officers in the management of the hospital, secretaries, stewards, auditors, &c. &c. and to that intent is this idea of sea service, being a necessary qualification pushed, that even a barber, and a scullery-man's mate, are suffered to continue only until a sea-barber, and a scullery-man's mate duly qualified by having been at sea, can be found.

power

power by express words in the charter. It is a dangerous power and very liable to abuse, particularly in a case like this. The estates of many corporations are solely for the use of the corporate body, like the private estates of individuals, and they may alien them in the same manner without any detriment to the public. But in the case before us, the estate of the corporate body is a mere trust; and not at all for the use of those who alien. They ought therefore to have been put under restraints, if they had been free before, rather than to have had so dangerous a power newly conferred upon them. An act of parliament has put this restraint very properly on bishops, who anciently possessed a right of alienation. The governors of this hospital did very well without this power before the charter; and ought not to have had it when the new incorporation was made. What is remarkable, the noble Lord himself defends the power by an attempt to prove that it is in effect no power at all; and that no purchaser can safely rely on it, without knowing that his purchase-money is properly applied. A thing impossible for him to know; as it is utterly ridiculous to suppose a great public body to be under the controul of an individual and a stranger, for the due exercise of any of its functions. I conceive it would be better when exchanges are advantageous to have recourse to an act of parliament than to vest the commissioners with powers, which after all the alarm they have given, are not allowed satisfactory to a purchaser; since the Duke of Northumberland in his late exchange, subsequent to the powers given by the charter, has thought it more prudent to have his title founded in a special act of parliament. I can still less conceive any good perpose, for which the words in the commission so particularly directing that all monies given, &c. to the hospital "shall not be applicable to any other purpose," were left out in the charter.

I have now stated to your Lordships the various matters which I think require redress, and I am now to submit to your Lordships consideration what appears to me a proper remedy.

That remedy aims at two points.

First, "To restore to the general court of commissioners, the recommendation to offices which they enjoyed by the old commission, and of which the new charter has deprived them."

Secondly, "To secure that none but seafaring men shall partake of the benefits of this marine establishment."

I shall

I shall move your Lordships to report to the House the opinion of the committee, that the judges should prepare a bill for these purposes. I propose a bill, because I do not know of any other method of rescinding the present charter. I am told the King cannot annul a charter, but by the surrender of those to whom it is given. A bill seems to me the shorter method, and I have no scruple in rescinding by act of parliament a charter wherein those to whom it is given have no personal interest, when the provisions of that charter militate against its objects, and when the design of rescinding it, is to substitute a better in its place.

I am ready to agree with the noble Lord, that the general court, as constituted by the commissioners, was not well contrived to procure attendance. Nor do I think that the charter leaving the general court so composed, is more likely to procure a better attendance, by depriving that court of the importance it enjoyed by the recommendation to offices. I would therefore substitute another sort of general court in its place, to consist of all the flag officers in the navy, and of none other. I think the care of our aged seaman can be intrusted in no better hands, than those of our admirals; having served with them, they will be acquainted with their pretensions, and know their merits; and they will be sure to bestow the benefits of this charity among their own profession. A laudable professional zeal will encourage them to give their attendance; and the power of providing for an old ship-mate, to be exercised upon vacancies by those who attend, will be a farther encouragement to them not to neglect this noble institution. As to the particular provisions and regulations of the bill, if your Lordships shall approve of the general plan, they may be settled when that detail comes before the House. I am not particularly attached to this or any other plan, I only wish to secure my two main objects, the restoring to an independent and effectual general court the appointment of officers, and to exclude all landmen from the possession of them in Greenwich Hospital.

It may be expected that I should move some vote of censure on the noble Lord at the head of the admiralty. He has taken to himself the sole merit of every improvement that has been made in the hospital during his time, even the increase of rents of the Derwentwater estate is to be attributed to him; it would therefore be but just, if he was made answerable for the many abuses which have been proved to exist unredressed by his Lordship: he might particularly be

charged

charged with having himself appointed landmen to be members of the council, and officers of the hospital, in breach of the positive directions of the commission. The noble Lord might indeed plead precedent; and I am ready to allow, that it might be admitted as a considerable alleviation of his offence. But I think no precedent can justify so direct a breach of the law. But what precedent can be pleaded even in excuse of a breach of that charter which has been obtained under his own administration? If it was no more necessary or reasonable that seamen should be employed in the management of Greenwich Hospital than lunatics in the management of Bedlam, this new modelled charter should have said so; but it has said directly the reverse; it has confirmed the old provision in the commission, "that all officers of the house to be employed in the said hospital be seafaring men, &c." Nevertheless, this provision in the charter of 1775 has been violated in the following instances of officers, who are landmen, appointed to Greenwich Hospital since the charter:

Stephen Hickman, brewer, appointed 12th August, 1777.
Alexander Moore, master cook, 14th December, 1777.
James Arundell, cook's mate, 19th December, 1775.
Roger Hunt, cook's mate, 7th January, 1777.

N. B. These are all warrant officers appointed by the admiralty.

They are all officers in the hospital, and are not seafaring men. I am sensible that it is not the first lord of the admiralty alone, that would regularly fall under the censure this conduct deserves, although the noble Lord, as chief of that board, would certainly bear the greatest share.

But, my Lords, I shall make no motion of censure. Your Lorpships see that it is not want of proof that restrains me; I am prevented only by my indifference, whether the noble Lord suffers or escapes censure for such a subject as this, when he has avoided it for having ruined the navy of this kingdom, and deprived it in times like these of the service of its most valuable officers. It is sufficient for my present purpose, if I can obtain redress for the existing grievances of Greenwich Hospital.

But, my Lords, although I am indifferent as to the punishment of the noble Lord, I am not so as to the persecutions Captain Baillie has met with. He has been very meritorious in detecting the cruel frauds of the butcher, and prosecuting him and his servant to conviction. He has been at all times the true friend of the pensioner. He has brought

to

to light many abuses; many he has got rectified, and the prosecution of others has occasioned his being harassed with expensive suits in Wettminster-Hall, and his being illegally dismissed from his office. Under this head of injuries done to Captain Baillie, I cannot avoid taking notice of the delusive hopes of a peaceful retirement, held out to him in the negotiation with Lord Sandwich, carried on by Mr. Murphy, one of Captain Baillie's council, and Mr. Butler, a lawyer and friend of Lord Sandwich's. The object of this negotiation was, to give Captain Baillie some provision adequate to the value of his office. And the examination of this matter has taken up a great deal of the time of the House.

The only notion I ever had of this business was, that subsequent to all complaints against Captain Baillie, the first lord of the admiralty had had thoughts of giving him, in some shape or other, an equivalent to the value of his employment. From hence I meant to argue, that at that time the noble Lord thought Captain Baillie had some merit, some claim to protection, that so far outweighed any fault that might make it proper to remove him from the hospital, as to induce the noble Lord to make for him an equivalent provision.

This fact has been fully proved. Mr. Butler (on the 4th May, 1779) deposed at your Lordships' bar, that in the very first conversation he had with Lord Sandwich on this subject, his Lordship said, "That if Captain Baillie would consult the peace and welfare of the hospital so much as to retire immediately, and resign all his offices and employments there, that he had no objection to make him some provision."

He further deposes, that at the meeting at the admiralty, he heard Lord Sandwich say to Mr. Murphy, "That if Captain Baillie would so far consider the peace and welfare of the hospital, as to retire immediately, and resign all his offices and employments, he had no objection to make the provision that was mentioned for Mr. Devisme, or any of Captain Baillie's family. His Lordship then read the proposals, *viz.* Captain Baillie, upon having his suspension taken off, and receiving the intermediate profits, and being permitted to stay in the hospital for a given time, will then resign his office, an equivalent provision being to be made for him. He considers his place in the hospital at 600*l.* *per annum*; being desired to point out a mode, he thinks it may be done in the following manner: he understands Captain Kirke,

Kirke, a commissioner of the victualling-office, would prefer to be the lieutenant-governor of Greenwich Hospital, he therefore may be appointed in Captain Baillie's room, and Captain Baillie will be content to retire on his half-pay, if his son-in-law, Mr. Devisme, is appointed a commissioner in the room of Mr. Kirke, or a commissioner's place at Minorca for himself. In this case, he will do whatever is in his power to prevent any farther disturbance on the subject, and the remaining copies of the printed case shall be destroyed in the presence of any persons that will attend for that purpose; he hopes there will be no more printing on either side." This proposal, as I am informed, was dictated by Mr. Murphy, and written by Mr. Butler

After saying, that he believed Captain Baillie was misinformed of Captain Kirke's wishing to change; and after refusing to send Captain Baillie to Minorca, or to give him any place where he would have to act in concert with any other person, on account of his temper, Lord Sandwich went on to say, "As getting him immediately from the hospital would be contributing very essentially to the good and welfare of the hospital, if Captain Baillie would so far co-operate, as to contribute to that essential advantage, he would make him the provision which he before spoke of for Mr. Devisme, or any of Captain Baillie's family."

After this, Mr. Butler had a meeting with Captain Baillie and Mr. Murphy, which ended in the following memorandum:

"Captain Baillie, upon having an equivalent made him, is willing to resign his office of lieutenant-governor of Greenwich Hospital, which provision may be either to him or to Mr. Devisme, as before-mentioned, but the resignation is not to be made till the compensation is given—Captain Baillie wishes to have a ship, though it were to be but for one cruize, in order to go out of the hospital with credit—and to receive the emoluments of his office till the compensation is given—Nothing done in this business to keep the service from being open to Captain Baillie on any occasion."

This was sent by Mr. Butler to Lord Sandwich, who a few days after told Mr. Butler, that "if Captain Baillie would resign all his employments, and retire immediately, it would be doing an essential service to the hospital, and he would so far consider it, as to make him the provision he before spoke of for Mr. Devisme or his family; that if he did not resign his offices and his employments, he should consider

der it as a defiance of his right to remove him, and should proceed accordingly. That at all events he should quit the hospital."

No less than four times did Lord Sandwich repeat, that he had no objection to make provision for Captain Baillie.

The first time his Lordship mentioned this provision, it was for Captain Baillie, not for his family; that part of the proposal came from Captain Baillie himself, between the first time Mr. Butler had heard Lord Sandwich open on this subject and the meeting between his Lordship and Mr. Murphy.

The three last times this was said, the provision seems to be restrained to some of Captain Baillie's family, but throughout there is a condition that Captain Baillie should resign.

It farther appears from Mr. Butler's evidence, that the reason this negociation broke off, was, that Captain Baillie would not retire on the faith of Lord Sandwich's promises, although strongly persuaded so to do by Mr. Butler and Mr. Murphy.

This transaction was in December last; subsequent to the report of the committee; subsequent to all complaints against Captain Baillie, and subsequent to his suspension; it was soon followed by his removal. The story which came out in Mr. Butler's evidence, to have been told by him to Captain Baillie, concerning the fate of reformers, sufficiently marked the treatment he was to expect.

The evidence having proved that the noble Earl would make a provision for Captain Baillie or his family, if he resigned, I am to ask what merit there was in this act of resignation, that should entitle him to such a provision, or what crime in refusing to resign till the compensation was actually granted, that should render him unworthy of what was intended to be given him?

Since that period of this negociation, when the provision was intended to have been given, what has Captain Baillie done? Mr. Butler tells your Lordships, Captain Baillie would not retire on the faith of Lord Sandwich's promises; and his Lordship considered his refusal to resign, as a defiance of his right to remove him.

I shall not examine on what grounds Captain Baillie refused to trust to the faith of the noble Lord's promises; or whether such a distrust was prudent or well-founded: but I must contend, that it was no crime in Captain Baillie, and that he had a perfect right to distrust and to refuse giving in

in his resignation, till the compensation was given; I shall farther insist, that a refusal to resign an office is not a defiance of a right to remove.

From these observations your Lordships will clearly see that Captain Baillie lost the provision intended for him, not on account of any subsequent misconduct of his, but merely because he would not place faith in the noble Lord's promises.

The account of the negotiation, as taken from Mr. Butler, Lord Sandwich's friend, fully proves that his Lordship did not think Captain Baillie undeserving a provision—no fresh act intervened on the part of Captain Baillie, to render him less worthy of such a provision. I must therefore, in concurrence with the noble Lord's own first, and most equitable sentiments, think it peculiarly hard and cruel to deprive him of his office without the intended compensation.

This is the use I originally intended to make of this transaction, and the evidence has fully warranted my observations.

Much stress has been laid on the side on which the negotiation began. This never appeared to me a matter of any importance.

Captain Baillie's account of it certainly induced me to believe that it had commenced on the part of Lord Sandwich. By the account of the witnesses it appears otherwise, and that it took its rise from Mr. Murphy, for it is clear that Captain Baillie did not set it on foot.

That Captain Baillie had said generally, that he was ready to take an equivalent for his office is undoubtedly true. He mentioned it in his affidavit, sworn to before the King's-Bench, in November last, as an offer he had made to Lord Sandwich, in 1775. He certainly could not do a wiser thing, than to wish to retire from an office in which his attempt to do his duty rendered him obnoxious, and even exposed him to ruin.

On this idea, Mr. Bearcroft, leading counsel to Captain Baillie, had asked him, whether if an opportunity offered he was willing to enter into treaty? Captain Baillie said, Yes. Mr. Bearcroft, in a very distant manner sounded the Solicitor General, who was on the other side: but finding he had no authority to treat, Mr. Bearcroft told Captain Baillie so, and there the matter dropped. This was previous to the decision of the court of King's Bench, on the prosecution of Captain Baillie for a libel; Mr. Bearcroft wished to nego-

negotiate with a view to stop those proceedings—He failed—The prosecution went on, and there the negotiation ended—Mr. Bearcroft's evidence on this subject is distinct, short, and manly.

That Mr. Murphy has attempted since that time to set on foot a negotiation with Mr. Garrick, Dr. Shepherd, and Mr. Brown, is now proved; it might arise from Mr. Murphy's then zeal to serve Captain Baillie, but Captain Baillie positively swears it was without his knowledge, till Mr. Murphy acquainted him with his conversation with Mr. Butler.

If Captain Baillie has led me into an error in this business, as to the side on which the negotiation began, I have every reason to believe it was not intentionally. It is a piece of justice I owe him to declare, that in the course of the many, many conversations I have had with him on this subject, and relative to Greenwich Hospital, I have never found him make the smallest attempt to mislead or deceive me. Every part of his story has hung together, and there has appeared the most strict attention to truth.

Possibly Captain Baillie misunderstood Mr. Murphy, and Mr. Murphy him. I would wish to reconcile the contradictions that have appeared between gentlemen of character. Captain Baillie, in support of his belief that the negotiation began on the part of Lord Sandwich, has produced the plan for the examination of Mr. Butler on this subject, which was drawn by Mr. Murphy. But Mr. Murphy says (if I understand him right) that he drew this examination with all the art he was master of, to bring out only a part of the transaction, to conceal another part, and thereby to produce an account different from the truth.

But so far I must say for Captain Baillie, that unless it was fully explained to him that it was for this artful purpose, that Mr. Murphy's plan of examination of Mr. Butler was drawn, I do not wonder at Captain Baillie's having been misled by it.

Captain Baillie was not himself present at the opening between Mr. Murphy and Mr. Butler; he never saw Lord Sandwich; the only accounts he had of the business were from Mr. Murphy.

However it might appear justifiable to Mr. Murphy for Captain Baillie to bring out in Parliament an imperfect state of the transaction, I am persuaded Captain Baillie had no such wish, and that if Mr. Murphy gave him any imperfect hints of his paper being drawn with that intent, Captain Baillie

Baillie did not understand him. He appears to me so plain and direct a man, that I am persuaded, if such a scheme was not directly and fully explained to him, he would not suspect it, and would take all that was said to him on the subject as a technical manner of speaking which he did not understand.

I am, therefore, not surprized that the following passages, in the paper of interrogatories drawn for him by Mr. Murphy, should have convinced Captain Baillie that the negotiation began on the part of Lord Sandwich.

Examination of Mr. Butler, drawn up by Mr. Murphy.

Q. 1st. Was you present at any conversation between Lord Sandwich and Mr. Murphy *upon the subject* of Captain Baillie?	He must say that he was.
Q. 2d. Was it at the admiralty?	It was.
Q. 3d. Did Mr. Murphy go there *in consequence of a letter from you*, informing him *that Lord Sandwich desired to see him?*	He *must say* that he writ a letter *to that purpose.*
Q. 4th. Before you writ that letter *had you made any proposal on the part of Lord Sandwich*, to be mentioned by Mr. Murphy to Captain Baillie?	He *must admit*, that on Saturday, the 12th of December, *he did tell Mr. Murphy, that if Capt. Baillie would resign his office of lieutenant-governor, Lord Sandwich would make an equivalent provision for Captain Baillie.*

Had this examination of Mr. Butler consisted merely of questions, Captain Baillie might possibly, with a good deal of explanation, have understood them as Mr. Murphy says they were meant. But it is rather extraordinary that the answers, written merely for Captain Baillie's information, or for that of a person was was to examine Mr. Butler, should not contain one syllable expressive of the view with which it was said the questions were drawn. The answers seemed to give an account of the whole truth; nor is there in the whole of this

this paper the least caution to avoid bringing about more than is there stated.

I have before said, that it appears to me a matter of no moment whence the negociation originated.

If there is any reflection to be made on the subject, it is, that had it originated from Lord Sandwich, there would have been much merit in offering to a man whom he thought had good intentions, but an unhappy temper, some comfortable retreat.

Much has also been said on the supposed breach of faith in Captain Baillie by making the transaction known. It was certainly conducted under an injunction of secrecy at the express desire of Mr. Butler, but for what reason I cannot devise. If the transaction was honourable, and even meritorious (as I think it was) where was the necessity for secrecy?—But does it appear that Captain Baillie was the first person that divulged it? Quite the contrary. It was publicly talked of in Greenwich Hospital soon after it was over.

Captain Baillie finding it was already known, and that instead of concluding in that friendly manner towards him, which he was led to expect, it was to end in his ruin, thought all bond of secrecy was dissolved.

In matters of this delicate nature, so much depends upon the precise chain of circumstances attending every part of the transaction, that I am sure it would be impossible for your Lordships (if you had any business with it) to determine how far Mr. Baillie's conduct was, or was not justifiable in the present instance. We have heard much, but not a tenth part enough to enable us to judge so nice a question. And undoubtedly the manner of carrying on a business, its final conclusion, and the conduct of the other parties, may very much alter the nature of an obligation.

I have only one more observation to make on this subject, which is, that precise accounts of a transaction of this nature cannot be expected. I am persuaded that Mr. Cooke, Mr. Butler, and Mr. Murphy, meant to give a faithful account of what had passed; but yet their recollections are so different, that in many instances they do not agree, in some they contradict each other.

The Rev. Mr. Cooke, who was present when Lord Sandwich, Mr. Butler, and Mr. Murphy met, has so unlucky a memory, that he recollects nothing which had passed in that conver-

conversation which could possibly tend to prejudice Lord Sandwich or serve Captain Baillie.

Mr. Cooke, on the 4th of May,

Does not recollect that Lord Sandwich said what had passed between him and Mr. Kirke—Although

Mr. Butler deposes, May 4th,

That Lord Sandwich said, "That with respect to what Captain Baillie had mentioned of Captain Kirke, he believed he was much misinformed, *as Captain Kirke did not wish the change, which was there mentioned.*"

Mr. Cooke, though present, *did not hear Lord Sandwich say, that the directors of Greenwich Hospital had said they would not act with Captain Baillie.*

And yet *Mr. Murphy*, speaking of the time when Mr. Cooke was present, deposes, *that Lord Sandwich said the directors cannot act with him*, they have presented a new memorial against him.

Neither did Mr. Cooke hear Lord Sandwich say, *that he must quarrel with the directors, or Captain Baillie, or the least like that.*

And yet *Mr. Butler* asserted, that Lord Sandwich *did say so*; and Mr. Murphy *confirms it.*

Mr. Cooke never heard Lord Sandwich say, there was a great deal of *right* in Captain Baillie—though he has a perfect recollection of his Lordship's observing, that there was a great deal of *wrong* in him.

And yet *Mr. Murphy* swears, that Lord Sandwich said, he believed there was a great deal of *right* and a great deal of *wrong* in Capt. Baillie.

Mr. Cooke does not recollect Lord Sandwich's *saying any thing* upon Mr. Murphy's saying, he imagined Captain Baillie's place worth 600l. a year.

And yet *Mr. Murphy* swears, that Lord Sandwich *said his place may be* 600*l. a year*, and I know if a man loses 600l. a year, and has no other fortune, he must be distressed.

Mr. Cooke does not recollect that Mr. Murphy said, Captain Baillie would print a third column.

And Mr. Murphy, nevertheless, deposes, that Mr. Cooke said that book (meaning the printed book in two columns) must be published, "I told him that would do no good, —and that if it was published in two columns, *I should advise Captain Baillie to print a third to it.*"

Mr. Cooke being asked whether Lord Sandwich did not say, that if Captain Baillie did not resign his office, he should look upon it as a *flag of defiance*,— answered, he never heard Lord Sandwich *say any such words.*

However, *Mr. Butler* declares, Lord Sandwich said, he should consider it as a DEFIANCE, if Captain Baillie did not resign his office.

Mr. Murphy has positively sworn, that Lord Sandwich said to him, *Captain Baillie's place may be* 600*l. a year*, I heard you estimate it at that sum in the King's Bench.

And yet *Mr. Butler* as positively swears, that when he read to Lord Sandwich Capt. Baillie's proposal, in which his office was stated to be 600l. a year, that Lord Sandwich replied, *it was no such thing*, and that he is very certain Lord Sandwich did not say to Mr. Murphy, that when he had stated Captain Baillie's place to be 600l. a year he had stated it fairly.

These differences shew how little dependence can be had on the precise recitals of conversations at such a distance of time; and consequently, how little we are able to judge of a point of honour, depending entirely on that precision. Much credit is to be given to Captain Baillie's universal good character, as a man of honour and integrity. And therefore, it would be both cruel and unjust, to censure him on a matter of which we have such imperfect accounts.

But,

But, my Lords, I have done with this negotiation, and return to Greenwich hospital, and I ask whether Captain Baillie is to be ruined for his attempts to redress the abuses of the charity over which he presided?

Let me ask what are the crimes with which he is charged? Every witness examined, whether friend or foe, has certified to his reputation, as a man of morality and honesty; his services, as an officer, are admitted, and his zeal for the pensioners stands uncontradicted.

The sole offence alledged against Captain Baillie is, that he is a man of a vexatious temper and of intractable manners. These, if true, are faults most certainly; but they are such, as though they render society unpleasant, do not render a man criminal; and never, that I have heard of, have been assigned as reasons for depriving any person of his corporate office. Admitting, however, that Captain Baillie is a man of that temper, and of those manners; before his being vexatious and intractable becomes a reason for punishing him in so high a degree, or perhaps of punishing him at all, we ought to know upon what sort of matter he is vexatious, and in what sort of society he is intractable. Nothing in the world is so vexatious against abuses as strict enquiry — Nothing so intractable among gentlemen of easy morals, as a man of rigid virtue. I confess, I do not know any thing that can be such a nuisance, as a man of stern and uncorrupted integrity, in a society made happy and unanimous by a participation of jobs, by mutual connivance, and the perfect equality among themselves that arises from a thorough consciousness, that not one of the company is a jot better than his neighbour.

I am perfectly satisfied that Captain Baillie, whilst he did great service to the poor pensioners, did infinitely disturb the tranquillity of the officers: and all they who are of opinion, that the government of hospitals, as well as that of kingdoms, was made for the pleasure of the governors, and not the benefit of the governed, will think his conduct was atrocious.

But such of your Lordships who may be of different sentiments, and who reflect, that the greatest reformers have rarely been men of the best tempers, will pity the imperfection of human virtue; and will think Captain Baillie's moroseness rather the object of reprimand, than of the utmost punishment the admiralty had the power to inflict. They ought to have commended and seconded his zeal, and exhorted

horted him to more conciliatory manners, and not have deprived him of his office with disgrace, whilst they continue to employ, trust, and caress a recorded cheat, who triumphs in the destruction of Captain Baillie, who had the delusive victory of defeating him in a court of justice.

Whilst Mr. Mellish is enriching himself with all the contracts of the navy, I think it behoves your Lordships, who have been able to judge of their comparative merits, not to let Captain Baillie starve. I shall not move that he should be restored to his office, I might be told that he has a legal remedy against his illegal removal; and I am sensible, that after all that has passed, he could not lead a happy life in Greenwich hospital. I only wish for him some provision, such as his Majesty shall think him deserving, such as the Earl of Sandwich thought him deserving, subsequent to every complaint which has been alledged against Captain Baillie.

I shall now submit to the committee the following report:

It is moved, That the chairman be directed to report to the House

That the committee have read the several papers referred to them by the House, and have examined several witnesses touching the affairs of Greenwich Hospital.

That it appears to the committee, that abuses of various kinds have at different times crept into the management of the said hospital.

That the committee do not judge it necessary to trouble the House with any account of those which have been corrected, or with such as are either of small importance, or likely to meet with redress from the present constitution of the hospital.

But the committee think it their duty to lay before the House an account of some of the abuses which still subsist, and are worthy the attention of Parliament, especially as some of them appear to the committee to have arisen from provisions introduced into the new charter, and to require such remedies as the interposition of the legislature is alone competent to afford.

That the principal abuses at present existing, come under the two following heads:

First, the introduction of landmen, to a very great extent, into various departments of the government of this naval hospital, most of them in breach of the express provisions of the original commission, and of the present existing charter.

Secondly,

Secondly, The refusal or neglect of redress from the different boards in whom the management of the hospital is placed, particularly in the general court, in appointing a partial and interested committee to enquire into the complaints of the lieutenant-governor, the unjustifiable conduct of that committee, and the illegal proceedings of the board of admiralty, in removing the said lieutenant-governor from his office without ever hearing him in his defence, or even so much as alledging against him any specific charge of misbehaviour.

Under the first of these heads,

It has appeared to this committee, that five of the present members of the council, viz.

William Eden, Esq. auditor,
John Ibbetson, Esq. secretary,
Rev. John Cooke, } chaplains,
Rev. John Maule, }
Mr. John Godby, steward,

are not seafaring men, or such as have lost their limbs, or been otherwise disabled in the sea-service, as required by the charter of the said hospital.

That besides the above-mentioned five members of the council, there are twenty-one other persons who hold offices in the said hospital also contrary to the charter, viz.

——— Furbor, schoolmaster.
John Pocock, dispenser.
Francis Cook, secretary's clerk.
Daniel Ball, steward's first clerk.
Philip Lewis, } mates to ditto.
James Skeene, }
Alexander Moore, master cook.
Roger Hunt, mate to ditto.
Nicholas Levit, scullery man.
Robert Russel, } mates to ditto.
William Garner, }
James Lane, porter.
David Storey } surgeon's assistants.
Thomas Carnarvan, }
William Wheatley, dispenser's assistant.
Stephen Hickman, brewer.
William Dickey, turncock.
William Dickey, labourer.
Robert Mylne, clerk of the works.

Mr. Paunceford, clerk of the council.
James Huggin, labourer.

That of the three matrons now belonging to the said hospital, two of them are neither widows, nor daughters of seamen; while the widows of captains in the royal hospital have in vain petitioned for these appointments.

That there are likewise twenty-five other employments, some of them very considerable and lucrative, which not being denominated offices in the house, may not fall within the express provisions of the charter, to be held by sea-faring-men; but as there is no art or skill required for them, which a man who has served at sea may not be possessed of, it is contrary to the object and spirit of this institution, when seamen properly qualified can be found, not to give them the preference over landmen, who have no pretensions to the benefit of this naval charity. These offices consist of,

Surveyor, Clerks, &c. not lodged within the hospital.
James Steward, surveyor.
William Ferguson.
Henry Taylor.
George Hambley.
J. Samworth.
George Smith.
John Elder.
Lufton Ralfe.
George Pope.
——— Pierson.
John Smith.

11

Persons holding under the Derwentwater estate.
Doctor Scott.
——— Lancaster.
James Turner.
Nicholas Walton.

4

Persons belonging to the sixpenny-office, on Tower-hill, all paid by the hospital fund.
Thomas Hicks.
J. Cleveland.
J. Beverly.
J. Bryan.
H. Mattocks.

William

William Gray,
Charles Eve.
J. Dalley.
Margaret Scold.
William Newman.

10

25

That the office of architect is the only one belonging to Greenwich hospital, to which it appears that a seaman may not be competent. But it does not appear that such an officer is at all necessary. When new works are carrying on, an eminent architect, like an eminent painter, may be employed without loading the establishment with such a permanent office, as is particularly pointed out in the commission, but entirely omitted in the charter. It is still less necessary for the hospital to have, as at present is established, two architects, Mr. Stewart and Mr. Mylne, under the different denominations of surveyor and clerk of the works.

Under the second head.

With respect to the court of directors, it appears to the committee, that a most shameful abuse existed for a very considerable time in the hospital, by the contracting butcher, Mr. Peter Mellish, supplying the poor pensioners with bull-beef, and meat of the worst kind, worth only fourteen shillings *per* hundred weight, instead of the best fat ox beef, for which he was allowed thirty-two shillings and six-pence *per* hundred weight. And although the said Mellish was, in the year 1776, convicted in a court of law of this detestable fraud, in no less than ten instances, and was afterwards sued for fifty other breaches of his contract, which he was suffered to compound, yet the directors, instead of marking so infamous a cheat, by excluding him from all future dealings with the hospital, have ever since continued to give to the said Mellish fresh contracts for supplying the whole hospital with meat for a twelvemonth, under an idea, as one of the directors deposed at the bar of this House, that although a man had been guilty of a fraud towards the hospital, yet if he offered to serve for less money than any other person, there was an obligation upon the commissioners and managers of the hospital to employ that man so convicted.

It also farther appears,

The

That the practice of chalking off (whereby money is given twice a week to the pensioners, in lieu of meat and cheese) still continues to subsist, notwithstanding the unanimous representation of the council on the 9th of August, 1776, to the board of directors, "That such practice is not only contrary to the establishment, but injurious to the health and morals of the pensioners, and is attended with many inconveniencies, improprieties, and irregularities, and ought to be totally abolished."

With respect to the general court, and the committee which they appointed, it appears,

That the foregoing, and other matters of complaint, were in the printed case of the Royal Hospital for seamen at Greenwich, laid before the first lord of the admiralty by Captain Baillie, the lieutenant governor, and afterwards on the 26th of March, 1778, transmitted to the secretary of the admiralty, to be by him officially laid before the board, with a request from the said Captain Baillie, "that their Lordships would be pleased to summon a full and general court of the commissioners and governors, according to the true intent and meaning of the charter, to whom he most ardently wished to appeal, and prove the charges therein contained; hoping that to make such a court efficient, it might be advertised three times in the Gazette, as well as summonses sent."

That a general court of commissioners, and governors of Greenwich Hospital was accordingly called, but without such advertisement or general summonses, and sat at the admiralty on the 14th of April, 1778. At this court it was resolved, that,

Sir Merrick Burrell,	Mr. Wells,
Mr. Cust,	Mr. James,
Mr. Savary,	Mr. Reynolds,
Mr. Barker,	

should be a committee (of whom three to be a quorum) to investigate the grounds "of the several charges contained in the above-mentioned book; and they were desired to proceed upon that business with all convenient dispatch, at such times and places as they should think most proper for the purpose; and when they had completed such investigation, to let the lords of the admiralty know it, that another general court might be called to receive the report."

That Captain Baillie objected to the said committee, as composed of directors, persons against whom his complaints chiefly lay.

That

That notwithstanding his objections, the said general court appointed the said committee, consisting of the seven persons above-named, who are all of them directors.

That Captain Baillie in his letter of the 18th of April, 1778, to the said committee, protested against their proceedings.

That notwithstanding the said protest, the said committee met at Greenwich Hospital, and sat seven days, but would neither suffer Captain Baillie to proceed in his own way to prove his case, nor enquire into "any matters respecting complaints against either the court of directors, the general court, the governor, board of admiralty, or first lord of the admiralty;" but confined their enquiry merely to such parts as respected the officers who had complained to the general court. And in the prosecution of this enquiry, the said committee suffered Mr. Morgan, as council for the said officers, to direct the mode in which Captain Baillie should proceed to make good his charges, frequently refusing to hear his witnesses.

That no one member of the said committee attended the whole seven days which it sat, but that, nevertheless, a report of their proceedings was made to the general court, and signed by two of the members, who had sat as presidents, one of whom had been present only two days out of the seven; but declared at the bar of this House, that he had signed for the proceedings of the whole seven days.

That at the general court of commissioners and governors, held on the 12th of August, 1778, when the report of the committee was read, Captain Baillie, in his letter of that day, again protested against the proceedings of the said committee, as well as to their being constituted of directors only, and desired that the general court would themselves review the proceedings of the committee, offering immediately to produce before the said general court, witnesses and affidavits to prove every part of his complaints.

That at the said general court, the following resolutions were moved and agreed to, viz. "That the several charges contained in Captain Baillie's book, which have been examined into by the committee appointed for that purpose, appear generally malicious and void of foundation, and tending to disturb the peace and good government of the hospital; and

"That a copy of the report of the said committee be, therefore, laid before the lords commissioners of the admiralty; and that it be submitted to their Lordships whether for the better government of the hospital, it may not be advise-

able

able to remove the said Captain Baillie from his employments of lieutenant-governor, and one of the directors thereof."

With respect to the board of admiralty, it appears,

That on the 12th of August, 1778, the same day on which the lords of the admiralty received from the general court the report of the committee, and their advice to remove Captain Baillie, their Lordships immediately resolved, "That Directions should be forthwith given to Sir Charles Hardy, governor of the said hospital, to cause Captain Baillie to be suspended from his employments, both as lieutenant-governor and director, and one of the council of Greenwich Hospital, till further order."

That the said Captain Baillie requested, by letter of the 14th of August, 1778, Mr. Stephens, "to move the lords of the admiralty, to direct that he might be furnished with a copy of the order by which he was suspended," but could never obtain the same.

That Captain Baillie in his letter of the 1st of December, 1778, to the lords of the admiralty, entreated to be restored to his station in the said hospital.

That Captain Baillie in his letter of the 8th of December, 1778, to Mr. Stephens, "requested that the lords of the admiralty or general court, would give directions that he might have a true copy of the report made at the general court of the 12th of August by the committee of enquiry," but was refused the same.

That on the 25th of December, 1778, the lords commissioners of the admiralty resolved, "That the said Captain Baillie, for his misbehaviour, as stated in the report beforementioned, be removed from the offices of lieutenant-governor, one of the directors, and one of the council of Greenwich Hospital."

That Captain Baillie applied for a copy of the order for his removal, in his letter of the 30th of January, but could not obtain the same.

That it does not appear that the said Captain Baillie ever was called, or appeared before the said board of admiralty, or was ever heard before the said board, touching his complaints, or those made against him.

That it appears to this committee, that the words of the charter by "authorizing and impowering the board of admiralty to displace, move, or suspend, any officer for his misbehaviour," the said board could not legally suspend, or remove the said Captain Baillie from the offices of lieutenant-gover-

governor, one of the directors, and one of the council of Greenwich Hospital, without imputing to him some specific charge of misbehaviour, and hearing him in his defence, neither of which necessary steps the said board appear to have taken on the present occasion.

That besides what has already been mentioned, under the two heads of the introduction of landmen, and the misconduct of the several boards concerned in the management of Greenwich Hospital, the committee have to observe, on the alterations which have been made in the charter from the original commission, transferring to the board of admiralty the disposal of all employments held under the hospital, the recommendation of which, was by the commission placed in the general court of commissioners. This great increase of patronage to the admiralty, which seems to have been the main object of the charter obtained in 1775, appears to the committee to be prejudicial to the good government of the said hospital, in as much as it creates a sort of mutual interest and connection between those who ought to be kept entirely separate and distinct, the executive officers of the hospital, and those who should superintend that execution, in order to come at abuses when they exist.

That the said charter also varies from the original commission in other, and no less material circumstances, both of insertion and of omission. New powers susceptible of abuse are inserted, and the old provisions prohibiting of abuse are omitted; two circumstances, which combined, appear to this committee of a very suspicious nature. The clause added being the creation of a power to sell, alienate and exchange the estates and effects of the hospital, and the clause omitted being a strict charge, command, injunction and requisition, that none of the said estates or effects should be diverted, used, or applied, or be in any ways applicable to any use or purpose whatsoever, other than the charitable purposes of the said hospital, or to defray the necessary charges relating thereunto.

The committee see no necessity for these alterations, and are of opinion that it is better, when any material changes in the property of the hospital are intended, to have recourse to parliament for an act for such particular purpose, as was lately the case in an exchange of lands between the Duke of Northumberland and Greenwich Hospital.

That in order to remedy the abuses before-mentioned, to confine this great naval foundation to the sole object for which it

it was first instituted, the benefit of seafaring men, and to restore the spirit of the original commission, from which the charter has essentially deviated, the judges be directed to prepare a bill for rescinding the charter for incorporating the commissioners and governors of the Royal Hospital for seamen at Greenwich, bearing date the 6th of December, 1775, and for substituting a new charter in lieu thereof, restoring to the general court of commissioners and governors "the power of recommending to the board of admiralty all officers necessary to be employed in and for the said hospital, with directions to the board of admiralty to employ all such officers, accordingly, except the governor and treasurer of the said hospital, with express provisions, that all such persons to be so recommended, and admitted into the said hospital, as officers of the house, or otherwise, be seafaring men, or such who shall have lost their limbs, or been otherwise disabled in the sea service," as was directed by his Majesty's commission, of the 28th of May, 1763.

That if any exceptions to this general rule shall appear necessary, the same may be specified in the said bill.

That no person shall be deemed a seafaring man, and as such, capable of being appointed an officer of the house, or of being lodged in Greenwich Hospital, unless such person shall have, *bona fide*, served four years at sea, or shall have been disabled in the sea-service.

That all women employed in the hospital, as matrons, nurses, or otherwise, be widows of seamen.

That none but such persons as have served as officers in the royal navy be members of the council.

That the general court shall meet once in every month, or oftener, if there should be occasion.

That the commissioners and governors shall in future consist of all the flag officers of his Majesty's fleet, and none other.

That a certain number of the said flag officers shall attend by rotation, whilst they remain on shore.

That all vacancies shall be recommended to be filled up by such of the members as shall attend the said general courts.

That two of the flag officers, the governor, the lieutenant governor, treasurer, auditor, and senior captain, be a court of directors, for the purposes expressed in the late commission.

That the board of admiralty shall, at all times, have the inspection of the books containing the proceedings of the general court, court of directors and council, and shall retain the

the power given them by the charter, to displace, move, or suspend any officer, or officers of the said hospital, for his or their misbehaviour, not excepting the governor or treasurer.

That, in consideration of Captain Baillie's having been illegally removed from the office, by the board of admiralty, and of the zeal he has uniformly shewn in the course of seventeen years that he has been in the said hospital, it is recommended to the House to address his Majesty, to confer on Captain Baillie some mark of his royal favour.

Earl of *Chesterfield* rose after the Duke of Richmond, and made a reply merely founded on the evidence delivered on the examination in chief, in behalf of the parties charged. He would not, he said, pursue the noble Duke through the whole of his detail, but would confine himself entirely to the matter that had been given in evidence, and the plain state of the circumstances which arose in the course of the examination at the bar. The noble Duke, he observed, pronounced, that it was a thing proved, that the fire in the hospital came from the taylors' room. This was a bold assertion, since it must be perfectly in the recollection of the House, that Sir John Fielding, who had enquired into the affair with infinite industry, and was perfectly adequate to judge upon it, had declared in evidence, that he thought it highly probable, that the fire broke out three or four rooms above; nay, that there was every proof of entire demonstration that it did. Their Lordships, in being influenced by such representations, were not directed in their judgment by the testimony that had been given at their bar, but by the *ipse dixit* of an individual Peer. The linen was the next subject, in different articles of it, of complaint and accusation. Had it not been proved, that the pieces of cloth out of which the shirts and sheets were made contained different numbers of yards, so that if the shirts and sheets were all made of the same length, there would be a loss of a considerable number of remnants which could be of no use at all? whereas by dividing the pieces indiscriminately into an exact number of sheets or shirts, though indeed there might be a partial inequality in the lengths of them, yet certainly there could be no loss to the hospital, as by that device every part of each piece was appropriated to the purposes of the pensioners; and, indeed, it had been proved at their Lordships' bar, that out of about five or six hundred shirts, upwards of one hundred yards of cloth had been saved by this frugal division of the

the pieces. As for the stockings there was only a temporary grievance, it existed only for a little time, and the person whose duty it was to see that the pensioners were properly served in that article, had been as active and industrious in applying a remedy to the evil as any one was or could have been; so that it was clearly only a casual misfortune, and not a misconduct connived at or introduced by a wicked combination of the servants of the hospital, for the purpose of defrauding the pensioners. The beer, the next subject of complaint, it was granted had been bad, but the cause of that had been most fully explained to the House, and been shewn to be only a temporary evil arising from the villainy of a person employed in the hospital, who was suspected, and with the greatest reason, of spoiling and corrupting it. But why should the House interest themselves about grievances not existing? What was the assigned motive for their interposition? To give redress—a very good motive, if in this case it could exist, but in reality it could not, for the grievances themselves did not exist, (the beer, stockings, and shoes being at this time entirely to the satisfaction of all the pensioners) and therefore this pretended motive had no longer reality in it. As for the grand matter of charge concerning Mellish, the butcher, he would only here again ask their Lordships, if it became their wisdom to interpose for the correction of grievances not existing? The meat at present was extremely good; the pensioners were unanimous in giving it that character. He had been at Greenwich himself, and found it so—What then had they to redress? The noble Duke had dwelt very particularly upon the circumstance of Lord Sandwich's having chosen some civil officers to employments in the hospital, who were not seamen. He begged their Lordships in the first place to consider with themselves, if it was possible in the nature of things, that all the various offices in the hospital could be filled with infirm, lame, or aged pensioners, and therefore to consider whether or not it could have been the original intention of the institutors, that all the civil officers should be seamen—certainly not: and in the second place, that his Lordship had put in fewer landsmen than any of his predecessors. The noble Duke had stated, that there were fifty-four landsmen in the hospital; his Grace could recollect that half of these were men appointed by the principals; so that the number actually chosen by the stewards of the charity would not amount to nearly as many as his Grace had represented. He was very

ry much surprised to hear the noble Duke bring again to the recollection of the House the conduct of Mr. Baillie, in regard to the negociation. No apology could exculpate him there from the dishonourable censure of being a babbler of secrets, a betrayer of confidential trusts. His Lordship concluded with observing, that he should certainly object to the report, because it was grounded upon matters which had no existence or foundation.

Earl of *Effingham* replied to the last noble Earl, and met him almost upon every argument and every fact, shewing, that his Lordship had only stated one part of the evidence, and reasoned on it, as a defence which had been fully proved in every particular, without either endeavouring to reconcile the manifest contradiction of the facts so stated to matters notoriously acknowledged, or the testimony of the several witnesses with each other.

Here his Lordship followed his noble leader step by step, observing, as he proceeded, where the witnesses had contradicted themselves, where they had been detected on their cross examination, and where they contradicted each other as to the same fact.

Earl *Bathurst* rose to point out, he said, the legal effect of the evidence delivered on both sides, and to establish this general conclusion, that most of the facts, if proved, presented nothing of any consequence, and the few that might be worthy of their Lordships' particular attention or notice, were plainly shewn to be ill founded, and to have originated in the resentments and ungovernable disposition of Captain Baillie.

Lord *Camden* solicited the indulgence of the committee, for the trouble he was about to give them; and this request, on his part, became the more necessary, he said, on the present occasion, because, contrary to his usual habits and inclination, he found it necessary to investigate, pretty much at large, the present question, so far as it related to the original charter and commission, and the alteration made in the new charter in 1775. These, in his opinion, produced matter on which only the main question turned, as had been well and truly observed by the noble Duke who made the motion.

The list of the abuses, which had been proved at the bar of the committee, presented nothing of sufficient consequence in themselves, farther than as their existence indicated their original, the departure from the views and intentions of those royal and noble personages who were the first founders, au-

thors, advisers, and promoters of this charity; what those views and intentions were he should endeavour to point out, after he had regularly made his way to that part of the business

The first matter, upon a transient view of the objects of enquiry, which struck him, was to examine into the abuses that had or do still exist. So far as the good regimen of the hospital, the distributive justice of those appointed to preserve and give it effect, formed part of the subject matter before the House, he had, for the present moment, very little anxiety on his mind. He granted, that mismanagements, when known and ascertained, ought not to be permitted to exist for an instant. That they had existed, he believed there was not a noble Lord present, however anxious he might be to justify the conduct of the noble Lord at the head of the admiralty, who entertained a doubt upon the subject. That many of the abuses had been remedied, appeared by the evidence of several witnesses examined at the bar; and he believed, and hoped, that such as came within the description of abuses still existing, would be redressed. All complaints about shoes, stockings, bull-beef, beer, &c. were at an end. If a larger sum had been given for repairing the painted hall than ought to have been, the worst that could be said was, that it was a job, for the impropriety of which no individual was specifically responsible; so the matter rested in respect of several other heads of complaint. They arose from the constitution of the hospital, and the improper exercise or abuse of the powers created by the two charters. The mismanagements were not positive or orginal, but indicative. The charter did not say, employ landmen in all civil offices in the hospital: it did not vest the admiralty-board, or the first commissioner at that board, with the absolute and uncontrouled direction of Greenwich Hospital, its revenues, and internal regulation and police: but if such a power was assumed, or exercised, if all check or legal interposition, between the admiralty-board and the pensioners, was suspended or surrendered by the persons appointed to stand between the board and the pensioners; if, from this circumstance alone, this power falling into improper hands by delegation, to persons who might find an interest in abusing it, it would amount to this, that the mismanagements and abuses were the effect, and the usurped powers of the admiralty-board the cause.

He was ready to acknowledge, that the first Lord of the admiralty was not the first author of this departure from the pro-

professed intention of those who framed the original charter. His Lordship trod only in the footsteps of his predecessors, many of them as great, as worthy, and honest men, as ever adorned the annals of this country. As the institution grew older, it gradually deviated from its first principles; and, as far as he could understand, a great many years had intervened, since the powers of the court of directors and of the general courts answered any other purpose but to meet, deliberate, and determine, according to their ancient forms, but really only to carry into execution not what might appear to them the most necessary and proper measures, but whatever the first Lord of the admiralty for the time being, no matter who, might think proper to direct. In this part of his speech, he said, he could not omit, without manifest injustice, testifying his highest approbation of the open and candid conduct of the Earl of Sandwich; for while several of his noble friends, throughout the course of seventeen or eighteen days enquiry, had laboured with all those talents and great professional knowledge [supposed to mean the Lord Chancellor, and the Lords Bathurst and Mansfield] for which they are so justly distinguished, to prove that Lord Sandwich had nothing at all to do in the business; that the council did this, the directors did that; and that the dismission of Captain Baillie was solely an act of the general court, in which his Lordship acted rather officially than personally and specifically; the noble Lord himself, when he came to his defence, as he very justly termed it, spoke out like a man; and, despising quibbles and evasions, and subtle refinements and distinctions, which were as much beneath his rank and dignity, as unworthy of his particular situation, in respect to the hospital, said the noble Lord, "It was I improved the revenues of the Derwentwater estate almost double; it was I built a larger kitchen; it was I put the foundation upon such a footing as to procure conveniencies and support for the admission of two, instead of one thousand pensioners; till I had the honour of presiding at the head of the admiralty, no more than six hundred could sit down to dinner at a time, now twice that number can be seated with ease and dine in comfort."

From so indubitable a testimony as the noble Lords's own words, he should argue upon it as so much incontrovertible proof, that the present management and regulation of Greenwich hospital was in the single hand of that noble Lord; and from that very circumstance, shew, that the charter, if not grossly violated, had been imperceptibly departed from;

and of course the present executive powers, exercised by his Lordship, and several of his predecessors in office, were no more correspondent to the executive powers vested in the corporate body on its first formation, than absolute despotism, in the execution of limited powers, is correspondent to the constitution of a limited government.

The original charter and instructions to Prince George of Denmark, in April, 1704, creates a corporate body, stiled the governors, general court, directors, &c. of Greenwich Hospital. Certain persons, some of the most noble and distinguished personages in the kingdom, are, by virtue of their respective offices, appointed governors and members of the general court. A council is constituted for the internal regulation of the hospital, who are to report every matter properly cognizable by the powers entrusted to them, to the court of directors, and the lord high admiral, or admiralty board, is invested with the executive trust, or superintendance of the whole; or, in other words, to give such directions as the constitution of the corporation authorises. It will be worthy of attention to see how far the executive powers growing out of this constitution have been properly exercised.

The charter says, that all civil officers, or, which amounts precisely to the same thing, that all officers who are to be appointed to places in the hospital, shall be sea-faring men, or persons who have been at sea, or disabled in the sea service. Here is a positive direction, describing the persons who shall be eligible. But several arguments have been resorted to, in order to shew, that this was not the intention of the original institutors of this noble charity. The very first establishment, formed in the November following, (1704) under the charter and commission for giving it effect, gives evidence of the direct contrary; the impracticability of sea-faring persons or disabled seamen to discharge the functions prescribed by such offices; and the usages of more than half a century, in the mode of electing the civil officers, afford so many proofs, that if it ever prevailed, it only prevailed in a few instances, and rather arose incidentally than from system; that men bred at sea, or disabled there, were totally unfitted by habit to fill many of the civil offices; and that there was not a single vestige appeared in the records of the hospital, respecting any usage of the kind to have ever been adopted or adhered to.

To the last of those he should first reply, that such an usage *had* existed, was incontrovertibly evident, because the records *of the hospital* shewed that the general court had continued regularly

regularly to recommend, and that the commission restricted the admiralty-board to make choice out of the persons so recommended, who were nor could be no other than sea-faring men, or disabled seamen. He was equally clear, that there was not a single civil employment, within or without the hospital, but two, which sea-faring men, not perhaps in all instances disabled seamen, were capable of filling; and he begged their Lordships to reflect, how many species of naval military disability there may be short of rendering a man incapable of filling a civil office and employment: and here a thought struck him, which was, that the only two offices retained for the disposal of the crown, the governor and treasurer, which, as far as they respected (the latter indeed was out of the question) Greenwich Hospital, were civil employments, a single instance had not been known in which either of those places had been bestowed on a landman by any one of the four princes who had sat on the throne since the year 1704.

The other point, which had indeed been pressed by the noble Earl with great seeming eclat in what he called his defence, but what he should ever consider to be no more than the noble Earl's speech, was, that out of the whole number appointed under the commission in November, 1704, to civil offices, twenty-one were landmen. He should be glad to forget that circumstance. He believed the noble Earl knew nothing of that very suspicious business; perhaps Mr. Maule, in searching the register, might have done it hastily, or negligently; he wished, for the sake of that gentleman's character, he had been more careful and correct, but more particularly for the noble Lord's own private satisfaction: but he confessed, he heard the noble Duke's account of the minutes and register with astonishment, when his Grace proved, as far as his enquiries went, or he was so fortunate to procure authentic documents, that five out of the twenty-one reported in Maule's list, proved not to be landmen but seamen, some of them of known and meritorious service.

His Lordship having shewn the real intended constitution of the hospital, observed, that it contained the seeds of abuse and mismanagement in its very first formation. A great number of the first men for rank and quality in this kingdom, were constituted a part of the corporation; great officers of state, persons occupying certain posts under the crown, privy-counsellors, &c. but no specific means had been provided to either enforce their attendance, or to compel the executive power of the hospital to give them notice by summons to attend.

He believed it had been agreed and ruled as law, that governors could not act as visitors, or attend without due notice. If so, this was the real and true source of all the mismanagement which took place in the hospital, and of the total departure from the original charter; for if, on one side, the members of the corporation could not attend, and on the other, that the first commissioner of the admiralty had it in his power to forbear to summon them at his pleasure, the evident consequence and effect were, that the first commissioner, or the admiralty board, being invested with a power of summoning whom they pleased, it would at all times, and upon every occasion, be within the discretion and the option of that board to controul the proceedings of the general court, and direct it to such purposes only as such a power wished to carry into execution.

The bringing back the constitution of the hospital to its first avowed and intended principles, was, in his opinion, a matter well worthy the interposition of Parliament; no other power was competent to the task, and this consideration he said would conclude the first object of his rising, followed by this additional and cogent motive for urging the necessity of such a measure, the alteration or change made in the new charter granted in 1775.

This, perhaps, as to the proceedings previously, and in the means finally adopted, was one of the most extraordinary transactions that ever came before that House, or the British Parliament. One of the witnesses at the bar, a Mr. Everist, a young man, who, from his own acknowledgment, was totally incompetent to the task, is desired to search an unfrequented dusty room, for a parcel of papers, of no description. Well, after sweeping off the cobwebs, what does he next do? He gathers a bundle of he knows not what, and gives them to a man, his partner, Mr. Sibthorpe, as much too old as he was too young; and this old man does something, of which he confesses himself equally ignorant. After the drudgery of the young man and the old man, some crude, indigested memorandums, of former inconveniencies, stated to have arisen from some parts of the original charter, are presented to a Mr. Eden, a very worthy member of the other House, and auditor of Greenwich Hospital. What then? From these precious documents Mr. Eden forms his opinion of what is right, expedient, and necessary, and presents it to the two first law officers of the crown, Lord Thurlow, then attorney-general, and the present attorney. What do they do? He *presumed*, looking upon the matter to be merely a matter of course,

course, for he had the highest opinion of their ability and integrity, they make no observation of any kind, but add only, that the treasurer shall in future be obliged to give security for the trust reposed in him; and during the enquiry, it has come out in proof from the secretary, Mr. Ibbetson, that the noble Lord at the head of the admiralty knew nothing at all of the matter, a circumstance which could hardly obtain credit if it had not been so respectably authenticated; in which transaction, he begged permission to say, the noble Earl had been extremely ill treated, his Lordship, as he observed before, having taken the responsibility of every thing on himself, respecting the good management and government of Greenwich Hospital. Mr. Everist looks for papers which no man desired him to trouble himself about; his partner draws up something, of which he knew nothing; Mr. Eden, upon this something, forms another something, which he lays before the law officers of the crown; and the law officers of the crown, without taking any notice of the subject matter referred to their consideration, make an amendment to the paper referred, by adding, that the treasurer in future shall be obliged to give security for the due and faithful performance of the trust reposed in him.

His Lordship said, it was much to be lamented, that the first Lord of the admiralty had not been consulted, and his directions taken, in consequence of the instructions he would most probably have given, and that for many reasons, two only of which he should mention: one was, that the commission for the new charter directed that the law officers of the crown should have been applied to in the first instance, but they were not applied to; the other was, that he was sure the noble Lord would never have consented to have the whole power of the governors, general courts, &c. transferred to the admiralty board, and consequently to the person of the first commissioner of that board. His Lordship's strict attention to the duties of his office, and respect for the great seal, would have prevented the first, and his Lordship's modesty the second.

His Lordship then proceeded to comment on the new charter, and endeavoured to shew, that it went either to an abridgment of the powers vested in the corporate body by the old charter, or to the confirmation of the powers usurped by the admiralty-board; and particularly observed, that it took away the right of recommendation vested in the general courts, created new powers relative to the management, di-

rection, and disposal of the revenues arising from the Derwentwater estates; and, ultimately and substantially, vested the whole of the deliberative and executive powers of the corporation in the first Lord of the admiralty. On these several grounds of abuse, as well as misuser of the powers first created. he was clearly of opinion, that Parliament, and Parliament only, were competent to reach and exterminate the evil in its inmost recesses, and once more relieve the most deserving body of men, the pride and glory of this country, its best bulwark, and last refuge in the moment of distress, from the accumulated oppressions and injuries they at present laboured under.

On the second point contained in the noble Duke's proposition, he should content himself with a very few words. Captain Baillie had published a book; he scarcely believed there was any Lord present who doubted of the truth of the most material facts therein asserted: if any such were present, he was not one of them; he was persuaded that they consisted of a very small number. In point of law, he would not undertake to defend every passage in Captain Baillie's book; he might be intemperate, hasty, and not well-warranted in every single minute circumstance. Some of the matters therein set forth might be libellous; but allowing the worst, and qualifying the most meritorious part of Captain Baillie's conduct, he thought him a very deserving man; a man to whom his country was highly indebted; a man whom every honest seaman must ever after revere; a man whom the present and future pensioners of Greenwich Hospital ought to look up to with gratitude, affection, he might add, veneration; no man merited it more, and he was sure, long after the present scene was passed, his memory would continue dear to every disabled or superannuated seaman, as long as the charity itself subsisted.

What had Captain Baillie done? He stood forth the seaman's friend, at the risque, almost at the certainty of his own personal ruin, and the overthrow of his private fortune. Convinced from every motive of justice, and every ground of reason and law, he endeavoured to recover those well-earned rights which the British seamen had been deprived of; resolved to perish or succeed, he trusted every thing to the hazardous issue. In his zeal for the profession to which he belonged he committed almost every thing; he committed his present means and future prospects, in the very unequal contest with the first Lord of the admiralty and all those con-

connected with the admiralty-board, who, as he must know their dispositions, could have but little doubt of their ability to crush him. Like other reformers, he had fallen a victim to prejudice, party-rage, persecution, and self-interest. Like the first reformers, Luther, Calvin, and John Knox, though crushed, overlooked, or neglected in the contention, he would, like them, leave behind him not only a testimony of his zeal in a good cause, but demonstrate that he preferred the ease, comfort, and content of numbers yet unborn, to every motive which is supposed to govern the actions of the majority of mankind.

Having established fully the public merits of Captain Baillie, and the vast obligations the public at large, and the navy in particular, owed him, from the native disposition of the noble Earl, who had already offered that gentleman an equivalent, and his natural love of justice, therefore he presumed that his Lordship would be one of the first to accede to the noble Duke's proposition, for making a provision for that much injured officer; and the rather, as the noble Earl, by all that he could perceive, had no reason to think differently of Captain Baillie, since he pledged his honour, upon certain conditions, to procure an equivalent for him. If it was an act of justice at Christmas, it was so still; that it was, he had every reason to believe, because he would never suppose that the noble Lord, from any personal consideration merely affecting himself, could be induced to make a public provision for an undeserving man. His Lordship, after going very fully into the conduct of the court of directors, relative to the renewing the contract with Mellish, the butcher, concluded his speech with expressing his hearty assent to the resolution moved by the noble Duke.

Earl of *Mansfield* said, he entered into the important discussion under consideration with some zeal, and was anxious to consider the question in all its parts. His Lordship took within his view every particular head. He recapitulated the evidence on both sides. He opposed positive assertions to positive assertions. He distinguished what was positive from what was a degree short of it, or bordered upon conditional. He marked the difference between belief and persuasion, and persuasion and conviction arising from facts. And finally, went so far as to deal out measures of probability and possibility, and shewed how directly they preponderated in favour of the first Lord of the admiralty.

His

His Lordship then proceeded to give an account of the whole proceedings in the court of King's Bench, and followed Mr. Morgan in every one of his *nisi prius* details, and that gentleman's arrangements, when employed by the persons charged in Captain Baillie's book before the committee of directors in Greenwich Hospital, appointed to enquire into the foundation of the complaints stated in the said publication. He allowed, that Mellish, the contracting butcher, had been twice convicted in large penalties, for selling bull-beef, but his Lordship had the candour and generosity to acknowledge, as Mr. Morgan well proved, that he alone [Lord Mansfield] was the innocent cause of the last compromise; for, after Mellish, who he contended did not deserve to sit in the pillory for a fraud, as had been hastily asserted by the noble Duke who made the motion, refused positively to agree to any compromise, but to try the issue, something had fallen from him [the noble Lord] from the bench, which imparted a wish or recommendation to compromise the matter. Upon this hint, thrown out accidentally by him, both parties seemed disposed to agree; but so far from agreeing to pay ten penalties instead of a hundred, being a motive with Mellish to submit that judgment should be given in default for those ten penalties, it still remained a matter of great doubt with him, whether one of them could be legally recovered.

Much had been urged, on either hand, on two points included in the particular part of the enquiry, relative to the contracting butcher; first, respecting the difficulty of the proof relative to the bull-beef: secondly, the impropriety of continuing to deal with Mellish, after his supposed delinquency.

On the first point he could only say, that Mr. Mellish's contract was to furnish the very best ox, or bullock beef, which, in a strict view, was almost impossible, in the opinion of those who were to use it; because the difference between the very best, a degree somewhat inferior, or middling, was very difficult to be ascertained; nay, according to the distribution of legal justice, beyond the cognizance of the conscience of a jury. Persons who had formed their expectations on the very best, might deem that of a quality somewhat inferior, or the middling kind, to be bull, when it was really ox, and perhaps good ox beef!

On the second point, that of continuing to deal with Mellish, after his first and second conviction, there were many good reasons. No complaint of any kind (witness the complaint in the infirmary) had been made against the contracting butcher since 1775; he had provided the hospital with the best

best of meat of every kind; he had offered or engaged for the lowest price; and of course, by the constitution of the hospital, became intitled to the preference; and his extensive dealings presented a security to the hospital, for the due performance of his contract, which it was not in the power of any other butcher to give.

His Lordship, after having dwelt for upwards of half an hour upon the contracting butcher, and very ably defended him and his friends, entered into the question, what light Captain Baillie stood in before the committee. Capt. Baillie had published a book containing very serious charges against almost every person concerned in the government and direction of Greenwich Hospital, and had not been able to bring proof of a matter of criminal charge home to any one of the parties; so far Captain Baillie was highly blameable; and when he made the charges he most certainly pledged himself to maintain what he affirmed, or tacitly consented to abide the consequences. But the learned Lord who spoke last, said, he had a freehold in his office, and could not be legally removed but for an actual abuse in exercising of his office. No such thing was pretended, consequently his removal was unjust and illegal. If illegal, Captain Baillie had a remedy, and should seek it; it was not competent to that House to interpose. The noble Duke's motion, indeed, imported as much, for it could hardly be presumed that the noble Duke would have moved for redress while the law lay open and presented the means of obtaining it. The truth was, Captain Baillie had no freehold in his office, to prove which it would be only necessary to briefly state what amounted to such a tenure, which he looked upon to be of two sorts; namely, by a title under letters patent, or the King's commission for life, or during good behaviour. Was either the case here? Not at all; Captain Baillie was appointed by a warrant from the admiralty-board, which at all times had a power of displacing or suspending him, whenever they thought proper. The same motives which gave birth to the appointment, would at all times justify the discontinuance of him in office: nor could he see that Captain Baillie suffered any greater hardship in being dismissed, than he would had he never been appointed: his appointment was a favour, to which he had no claim, nor had he a right to complain when that favour was withdrawn.

His Lordship again spoke to the constitution of the new charter, and made a very long reply to Lord Camden's argument, relative to the abridging of the popular powers vested by the original charter in the governors, directors, general court,

court, &c. in which he laid down the following position: "That the fewer hands power was placed in the better, and still the more so, if vested in a single hand, because he could be made responsible: whereas numbers combined together, are better able to perpetrate injustice, to shift from one to the other, to exclude detection and evade punishment, and influence, the crimes or injustic they have committed." For which reason, so far from disapproving of the alteration in the charter, by which the executive power of the whole body had become vested in the admiralty-board, or the first Lord of the admiralty for the time being; he thought it a very great improvement Heretofore, the admiralty-board might throw the blame on the general court, or court of directors, and they back again upon the admiralty board; but by placing the whole of the executive power in the hands of the latter, they were made answerable as well for their own particular part, as for the general conduct, management, and direction of every inferior department.

After answering almost every objection of the noble Duke who made the motion, on every material charge of abuse, in nearly the same manner, he was no less eloquent and convincing in his law argument, in reply to the noble and learned Lord who spoke last, in matters of mere law arising from the doctrines laid down by that noble Lord, relative to the original constitution of the hospital.

He said, the words of the charter would seem to support the noble and learned Lord's interpretation upon a transient view; but it was not words, but what was the sense put upon those words, by Prince George of Denmark, and his assistant counsel, which was to determine in the present instance; most certainly to appoint landmen to civil offices. His royal highness had appointed such men, by the evidence on the table; it appeared he had twenty-one on the first formation of the charity. He perfectly relied on what the noble Duke had said, as to the five seamen, so far as the noble Duke was informed; but, as a parliamentary document, he could never subscribe to it, or consent to argue upon it, as a parliamentary authority; besides, what did it prove, if granted in its fullest extent? No more, than that five out of the twenty-one, stated to have been landmen in Maule's list, were seamen, or sea-faring persons; the fair deduction from which was, that the other sixteen were landmen,

His Lordship then replied, with equal abilities and candour, to consider every legal objection started by Lord Camden; and con-

concluded with a very florid eulogium on the virtues and transcendent abilities of the first lord of the admiralty.

The question being put on the Duke of Richmond's motion,

The House divided; contents 25, not contents 67. The 25 contents were the following.

Duke of Richmond,	Earl of Abingdon,
Grafton,	Harcourt,
Bolton,	Fitzwilliam,
Portland,	Spencer,
Devonshire,	Viscount Hereford,
Manchester,	Lord Abergavenny,
Ancaster,	De Ferrars,
Marquis of Rockingham,	King,
Earl of Effingham,	Ravensworth,
Pembroke,	Wycombe,
Ferrers,	Camden,
Jersey,	Foley.
Radnor,	

As soon as the question was disposed of, a secession of the minority members instantly took place; the Duke of Richmond having given notice of his intention of leading the way: after which the three following motions were made, and carried *nem. con.*

Earl *Bathurst* moved, "That nothing hath appeared in the course of this enquiry which calls for any interposition of the legislature, with regard to the management of Greenwich Hospital, or which makes the same necessary or proper."

Lord *Dudley*, "That the book which was referred to this committee, intitled, The Case of the Royal Hospital for Seamen at Greenwich, contains a groundless and malicious representation of the conduct of the Earl of Sandwich and others, the commissioners, directors, and officers of Greenwich Hospital, with regard to the management thereof."

And the Duke of *Chandos*, "That it has appeared to this committee, that the revenues of Greenwich Hospital have been considerably increased, the buildings much enlarged, and rendered more commodious, and the number of pensioners greatly augmented, during the time in which the Earl of Sandwich has been the first lord of the admiralty, who has, upon all occasions, shewn great attention and impartiality in forwarding the true end of that noble foundation."

June 8.

The servants and house tax bills read a second time respectively and committed.

The

The Duke of Richmond, Marquis of Rockingham, and Earls of Ferrers and Effingham opposed the bills; they were answered solely by the Lord Chancellor; none of the cabinet ministers were present to give an answer to the several questions put to the King's servants of the state of the nation, respecting our resources, alliances, disposition of foreign courts, &c. The conduct of Spain respecting her mediation between Great Britain and France, was spoken of, and it was asserted with confidence by the Duke of Richmond, that the mediation had finally terminated for some days; the fact was not denied nor acknowledged.

The convict bill was read a second time, and ordered to be committed. This produced a short debate, but the House did not divide, Earl of Effingham being the only person who spoke against it, his chief objection rose on account of the inequality of the mode and extent of punishment prescribed, and the indiscriminate application of it to grand and petty larceny.

The bill to prevent smuggling was likewise read a second time, and committed. Objections were taken to this bill by the Duke of Richmond and Lord Effingham. They promised to enter more fully into their objections in the committee.

The clerk of the assize bill went through a committee, and, while there, gave birth to a debate of upwards of four hours, which chiefly turned upon a matter of personal altercation between the Duke of Richmond on one side and the Lord Chancellor and Lord Stormont on the other, relative to the noble Viscount's late appointment to the place of clerk of the pleas-side, in the Court of King's Bench.

The Duke of *Richmond* having said, that such a place as that of a clerk, was not becoming the dignity of a peer of Parliament, his Grace was answered by

The Lord *Chancellor*, who, seeming to discover a designed contempt thrown upon the ancient gentry of the kingdom, reprehended the conduct of those noble Lords who were constantly exalting themselves and undervaluing every person without distinction, who was of inferior rank.

The Duke of *Richmond* disclaimed any such idea; said one gentleman was as good as another; but still contended that a clerk's place in a court of law, was not a place suited to the rank and dignity of a peer of Parliament.

June 9.

No debate.

June

June 10.

A great deal of public business, no debate; but on the second reading of the bill for restraining the East India dividends for a limited time,

The Duke of *Richmond* rose to oppose its being sent to a committee. He said Parliament were bound by compact to the India company upon certain conditions agreed to by an act passed in the spring session of 1773.

By that act, the company being then in a state of actual bankruptcy, were supported by the public credit of the nation.

It was then agreed that exchequer bills should be issued by government to the amount of 1,400,000l. which was the amount of the debt the company owed in the proportion of 900,000l. to government, and 500,000l. to the Bank.

The prime condition of this loan was, that the company should not, till this loan was discharged, divide more than 6 per cent on their capital; that after that event should take place, they might divide 7 per cent. and no more, till after they had paid off 1,500,000l. of their bond debts, and the act was to continue in force till the year 1778, or till the conclusion of the then session of Parliament; all these several contingencies had taken place. The 1,400,000l. borrowed upon the credit of government, was paid off; so was the 1,500,000l. bond debt; and lastly, the period to which the operation of the act was extended, was on the eve of being terminated; he therefore thought the bill now before their Lordships was a wanton and oppressive interposition of the legislative controul of Parliament, because every motive for passing the last bill had ceased, both as to time and necessity; his Grace farther observed that the present bill wanted a sanction the other had, for Parliament took the affairs of the company into consideration, upon an application for relief, on account of their then distressed circumstances; whereas now their affairs were in the most flourishing condition, and they had made no application to Parliament either directly or indirectly.

To restrain the company under such circumstances, in order to extort assistance from them, was little better than public robbery; it could only be justisfied upon the ground of necessity, the tyrant's plea; and in his opinion would be productive of very bad consequences, and carried actual injustice on the very face of it.

His Grace found great fault with a passage in the preamble of it, which implied, or rather avowed, a claim to the territorial acquisitions made by the company in India. This he said, was

was a claim made in an indirect manner, in order to establish a real claim upon it hereafter. He contended, that the crown had no right to the territorial acquisitions, as they had been granted to the company, under the authority of Parliament; nor could they now be appropriated to the service of the crown without the grossest violation of parliamentary faith; but even though those territorial acquisitions might be divested out of the company, it was to the last degree absurd and unfounded, to say they belong to the crown, when it was well known that they must belong to the public.

The Lord *Chancellor* replied, that there was nothing new nor specific in the present bill. It created nor asserted no right it had or might have. It was calculated merely for the purpose of continuing the present law to the end of the next session of Parliament.

In the company's distresses in 1773, he well remembered, that they applied to Parliament for relief. Parliament granted the relief desired, upon certain conditions; they were still in being, and the bill meant no more than to continue those conditions in existence till the legislature had leisure to renew the old ones, to extend them, or enter into a fresh agreement.

As for the expression the noble Duke had quarrelled with, he could not see the least cause of objection. It was the constitutional and customary language invariably used on such occasions. The crown represented the state, and held whatever was thus acquired in trust for the nation. No person thought or pretended to insinuate, that the crown had an exclusive property in those possessions. His Majesty in this, as well as many other instances, takes by representation what properly belongs to the people, or rather to the state. This was called the *jus coronæ*; but it would be absurd, however, to say, that what he held in trust was a specific property, vested in him in his mere personal capacity, and which he could appropriate to his own peculiar use, without the consent, advice, and approbation of his Parliament.

After some further debate of little consequence, the question being put, the House divided; contents 25, not contents 5. The bill was then ordered to be committed, and the House adjourned to the next day.

June 11.

Earl of *Coventry*, on the second reading of the vote of credit bill, spoke on the state of the nation, relative to its connection with America, its internal resources, the ability and present

present views of foreign powers, and the particular disposition and distresses of the people of Ireland.

His Lordship then entered into several details on this subject, and spoke a considerable time on the great impropriety of the Parliament rising at so critical a moment, a moment perhaps so very critical, that no man could undertake to promise, that their Lordships would ever again assemble in that House.

He said, before that House could venture to give a sanction to the bill now about to be read, he could not resist that part of the discharge of his duty, as a peer of Parliament, which urged him to declare his sentiments in moments of such great exigency as the present. He wished, however, to be understood, as by no means wishing to impede or obstruct the granting of supplies; they were necessary at all times, much more in times of difficulty and danger: he, therefore, assured their Lordships, that he would be one of the last men in that House, who would wish or endeavour to clog the wheels of government in mere money matters; but as he had uniformly done from the beginning, and should ever continue to do, he would oppose every vote whether leading to acts of mere legislation, or finance, that had the further prosecution of the American war for its object.

He begged that their Lordships, without passion or prejudice, would seriously reflect upon the present state of Europe. France united in the strictest bonds of amity with America, and the conduct of Spain at best doubtful; but in all probability really hostile, and to counterbalance this very formidable and alarming combination of power, not a single ally from Archangel to the Streights of Gibraltar; but if appearances were to weigh, rather an unkind and unfriendly aspect from every court in Europe. Indeed, such was the present impression made upon every unprejudiced and intelligent mind, that the prospect which terminated the view on every side, was the melancholy alternative of disrobing ourselves of our wonted national reputation, power, and dignity, or being compelled to fight for our all, our very altars and firesides.

For, supposing that Spain should join with France, which was far from being improbable, would not such a combination of naval force be infinitely superior to our utmost exertions, even in the opinion of the most zealous and confident? Would not our shores be insulted by a proud, incensed, and insulting enemy? Would not our naval arsenals be open to the predatory attacks of French, Spaniards, and Americans? Would not France retaliate upon us their losses, and the disgraces they suffered during the late war? Would not Spain

endeavour to avenge her former supposed injuries, and in all probability would not the exasperated Americans retaliate on us, with those horrid instruments of butchery the tomohawk and scalping knife?

As to Ireland, no man, minister, courtier, or dependent, was hardy enough to say, that that country must not have relief and redress, for the innumerable oppressions and hardships she had sustained for more than half a century. The state of that country afforded no longer a fit subject for speculative political reasoning. When he said this, he was far, perhaps, from going the lengths proposed by several of his noble friends, but some relief she must have, and that effectual relief. He was far from offering to point out the particular species of relief, but those who gave or proposed it, should consider well the subject in all its parts and relative consequences; and take care while they administered the relief, that neither kingdom should have any just ground for dissatisfaction or discontent; because in that case, the remedy would be partial, which, when common and reciprocal interests were concerned, would operate as injustice to one of the parties.

Under such a variety of circumstances, portending external danger and internal weakness, his Lordship trusted, that Parliament would not think of rising. He did not controvert that acknowledged inherent prerogative in the crown, to dissolve or prorogue Parliament; but he hoped that ministers would abstain from the exercise of that influence, which they had so successfully, but so fatally rendered predominant on former occasions. That House might be dissolved or prorogued, it was true, at the King's pleasure; but he trusted, that his Majesty's ministers would not advise him, at so alarming a crisis as the present, to forego the assistance of Parliament. The conjuncture was such, as this country never before experienced; and such consequently, as could not be objected to on the ground of any former precedent.

The Earl of *Effingham* chiefly confined his observations to the mere matter of finance, on which he spoke very fully. His Lordship stated the debtor and creditor side of the budget, and entered into a great variety of computations, relative to the new loans and its probable effects, on the whole system of borrowing and funding; and in the course of his speech lamented much the great quantity of negociable paper, which would of course get into market. Upwards of five millions navy bills, a million vote of credit, exchequer bills one million and an half; new exchequer, one million nine hundred thousand pounds, besides the new navy bills, in the whole up-

wards

wards of ten millions. He said, while such vast sums were kept in circulation, it would be impossible to obtain money upon perpetual securities, at any reasonable premium; the consequence of which would be, if the war continued but for a few years, that national bankruptcy must follow. But if what was much spoken of for some days past was true, he feared, that national bankruptcy would become an object of very inferior consideration; for he understood that Spain no longer acted as a mediator between the courts of London and Versailles. He did not wish to draw forth court secrets, or reasons of state; but he had some ground to believe, that Spain, instead of continuing to mediate in an amicable, friendly manner, would avow herself a declared enemy; and though he did not mean to draw any conclusion from the silence of ministers, he was led to think, if they had any assurance of a Spanish neutrality worthy to be relied on, that they would be the first to proclaim it.

If ministers knew all, and refused to tell any thing, how was it possible that their Lordships could act in the capacity of counsellors to their Soverign? It was absurd to suppose it. As well might a physician pretend to prescribe for a patient, whose person or malady he was totally unacquainted with.

If his information could be depended on, he was justified in affirming, that we were on the eve of a rupture with the court of Madrid, and that the force ready for sea in the ports of Brest and Cadiz, amounted to sixty ships of the line. The noble Earl, at the head of the admiralty, had yet never pretended, liberal as he was of his promises, that he should have any thing like that number. He begged noble Lords to consider, what, in such an event, would be the condition of this country. Would not the presence and co-operation of Parliament be necessary? It might be said, that the advice of him and his friends was neither sought nor wanted. He was fully aware of that. Ministers probably deemed it unworthy of acceptance; but whatever they might think, he could affirm upon the most unquestionable authority, that it would be the most fortunate circumstance that could have happened for this country, that the admonitions and facts given and stated on that side of the House, where he had the honour to sit, had been more carefully attended to.

His Lordship then entered into a very long investigation of the present state and condition of Ireland, and said, he much feared that France would endeavour to work more on the fears and expectations of Ireland, as an ally come to procure free-

dom and independency for that much injured, distressed, and oppressed kingdom, than as an enemy coming flushed with vain and improvident expectations of conquest.

He could not adopt precisely the ideas thrown out by the noble Earl, who introduced the present conversation, that we ought not to grant favours to Ireland in the way of trade, or that we could neither grant nor give redress, at the expence of our own manufactures; and that whatever might be done, ought to be adopted with great caution; for he could readily point out two measures, both of which, instead of injuring our own manufactures, would essentially serve them. The first was, to permit Ireland to manufacture her own wool; the second, letting her into a full participation of the whole of the cotton, linen and cotton goods, painted or stained. The free exports of woollens would totally cut up that of France, which in the fine fabrics, could not subsist a single year, if the Irish supply of raw wool should be prevented, which must be the case, if permitted to work it up themselves; and as for the cotton and striped, and painted and stained linens, there was a demand in Europe for those articles, more than sufficient for the supply that the greatest exertions of Great Britain and Ireland could produce.

France had already rivalled us in our woollen trade to Turkey, Portugal, &c. She was making a very great progress in the cotton and mixed linen; and parts of Germany, Switzerland, and Austrian, and French Flanders, were making daily improvements in the manufacture of painted and stained goods. So that the question was not, whether Great Britain or Ireland should have a monopoly or share of those respective branches, but truly and fairly, whether Great Britain should let in Ireland for a part instead of transferring it to France, Germany, and Holland.

The Duke of *Manchester* pursued the idea of the noble Earl who spoke last, respecting the probable views of France upon Ireland, and her intended means of detaching that kingdom from Great Britain; and begged to know from ministers, whether they meant to advise his Majesty to prorogue Parliament at so perilous a crisis? No answer was returned, and the question being put by the woolsack, on the second reading of the vote of credit bill, the same was resolved in the affirmative, without a division.

A motion was then made to erect a gallery over the lobby door, over the entrance from the painted chamber, for the accommodation of the members of the other House, which pro-

produced a debate of several hours. It was made by the Earl of *Effingham*, and conceived in the following terms:

"That an humble address be presented to his Majesty, to request that his Majesty would be graciously pleased to order the proper persons to cause a gallery to be erected on the outside of this House, containing four or more rows of benches, as long as the breadth of the House will admit, for the accommodation of such members of the House of Commons as may chose to attend any trials at the bar of this House."

Little was said against the motion but on its being disorderly to introduce any motion whatever to rescind a standing order of the House, without notice given, that such standing order was meant to be taken into consideration on such a day, and their Lordships to be summoned for the purpose. This was the Lord Chancellor's argument. Lord Despenser totally disapproved of the regulation. The Duke of Manchester and Lord Townshend supported the motion. On the question being put, the contents were 14, not-contents 27.

June 12.

Private business chiefly. Motion made by Lord *Ferrers* in a committee on the bill to prevent frivolous and vexatious arrests, to leave out the words "ten pounds," and instead thereof to insert "five pounds." After a short debate, the question being put and the same passed in the negative; contents for the amendment 3, not-contents 14. Adjourned to the 14th.

June 14.

Before the House proceeded on the order of the day on which their Lordships were summoned, being an intended motion of the Duke of Bolton's relative to the intended prorogation of Parliament, the Duke of *Richmond* rose, and said, he had a proposition to submit to the House, which, he doubted not, would meet their Lordships' approbation.

It related to Greenwich Hospital; and as every one of their Lordships, who had spoke or voted in the course of the enquiry into that noble charity, it might fairly be presumed, spoke from sentiment, and voted from conviction, he had every reason to infer, that there would not be a second opinion relative to the propriety of his motion; because every noble Lord being satisfied that he was right, would wish to make the evidence as much known as possible, and his grounds of conviction as prevalent in every other breast as they had been already in his own.

Such, he said, were his motives and the foundation of his expectations, that although difference of opinion had been apparent throughout the whole of that busines, the principle of personal justification, now alluded to by him, would be a principle of union applicable to the individual sentiments of every noble Lord present. In order therefore to enable their Lordships to judge of the grounds on which those resolutions rested, he should move, that the whole of the evidence be printed, a motion, he had every reason to believe, would not meet with a single negative.

After this short prefatory discourse, his Grace moved "That the proceedings on the enquiry into the management of Greenwich Hospital, together with the evidence at the bar of this House, be printed."

Earl of *Sandwich* coincided in sentiment with the noble Duke. He was as desirous that the evidence be printed, as, in his opinion, it contained a full justification of his conduct. He had all along expressed an earnest wish to have the matter made as public as possible; he had no reason now to adopt a contrary mode of conduct, and was therefore ready to concur in the motion made by the noble Duke These were his avowed sentiments in the early stages of the enquiry, nor had he at any subsequent period, the least reason for altering his sentiments. Such being his ideas, it could hardly be supposed, that he wished to put a negative on the motion made by the noble Duke, on the contrary, there was nothing he more earnestly desired, could it be done with convenience, than to have the whole of the enquiry go out into the world. There were, as the matter struck him, but two objections; which were, that the evidence was voluminous, and that the expence attending such a publication would be very heavy; but still, strong as these objections might appear, if it was the sense of the House, he thought those considerations ought to give way.

Earl of *Denbigh* warmly pressed a compliance with the motion made by the noble Duke, and approved of the arguments urged by his Grace, to induce their Lordships to consent to it. Such a publication would do his noble friend [Earl of Sandwich] infinite honour and credit, as it would prove to the House the folly, or designed malice, in which the enquiry originated; not only the noble Earl's innocence, but his high deserts respecting the management of Greenwich Hospital, so far as he was concerned in its administration; and, finally, that he had not only fulfilled his duty himself,

himself, but had made the necessary arrangements through the lowest departments in the hospital.

Lord *Chancellor* said, he had no manner of objection to the motion; on the contrary, he would have been extremely glad that the form of their Lordships' proceeding in that House could have permitted him to give his assent to the noble Duke's proposition, as it seemed to be the desire of every side of the House.

The real state of the matter, so far as it was connected with the present motion, was this:—a committee is appointed to enquire into certain matters; evidence is given at the bar, and the committee do not report it; the consequence of which is, that the House can take no notice of any thing which does not come to them through the medium of the committee. The evidence is not in being; the committee have already disposed of the contents, by not reporting; and it is now incompetent to the House to take the matter up in any shape, or for any purpose, *de novo*. The committee, it was true, reported three resolutions, which had been unanimously agreed to by the House. The House of course were in possession regularly of these three resolutions, and, if their Lordships thought proper, might give orders for printing them; but unless they travelled out of their ordinary and established mode of proceeding, for which he saw no just ground on the present occasion, he was clearly of opinion, that consenting to print any species of proceeding whatever by the House, which had not been reported to it, would be extremely disorderly and unparliamentary.

As to his own part, he had no possible objection to agree to the noble Duke's motion, except in the mere point of form. The noble Duke and the noble Earl, the persons who had most interested themselves in the event of the enquiry, had shewn an equal desire to have the evidence printed, which would have been a sufficient motive with him to acquiesce; independent of that circumstance; however, he was free to acknowledge, that he could foresee no particular benefit that would arise from such a publication. The enquiry was carried on publicly and openly, in the hearing of a very large auditory; and he had every reason to believe, that Parliament was no less persuaded of the grounds of their decision, than the nation was satisfied of its wisdom and justice.

After what he had heard from the noble Duke and noble Earl, he could urge very little in point of argument but what he had already stated. But, allowing that the mere point

of order were dispensed with, it would then rest with their Lordships, to consider and determine how far it would become the dignity and gravity of that House to print evidence which had been already finally disposed of. Their Lordships, it was to be presumed, were sufficiently informed of its nature before they proceeded to a vote. The three resolutions on the journals was an open declaration of what the majority of that House thought of the matter, and it could hardly be supposed, that the noble Duke wished a re-trial, or re-hearing, unless he could undertake to promise that he had fresh matter to urge.

The public, besides, were not strangers to what passed on the occasion: the doors were open; the bar day after day crouded with strangers for several months. The enquiry had afforded matter of conversation without doors, and, he believed, it was understood pretty well for a full month before the decision took place, that the minds of the people were sufficiently made up to prepare them for what afterwards happened.

As to the reasons urged by the noble Earl who spoke last, that the agreeing to the proposed publication would be the best means of clearing the honour of the noble Earl whose conduct had been one principal object of the enquiry, it was an argument in support of the present motion, to the truth of which he could never subscribe. The noble Earl's innocence had been already made sufficiently manifest, for which, as well as the dignity of their Lordships' proceedings, he for one could never consent to the motion made by the noble Duke.

Duke of *Richmond* examined the several parts of the learned Lord's speech. He denied that his arguments were satisfactory or conclusive, even as to the mere point of order; because, to come to resolutions of opinion upon evidence not reported, they were not, in fact, resolutions at all, according to the received meaning of parliamentary language. The grounds of the resolutions, as well as the resolutions themselves, should have been reported, otherwise what grounds of assent or dissent had the committee to proceed on? None at all: they were mere resolutions of opinion, unaccompanied by a single fact or tittle of evidence. Whether this defect had been purposely permitted and passed over, in order to prevent the printing of the evidence, he would not undertake to say; but he would contend, notwithstanding the confidence with which the learned Lord accompanied his assertions,

tions, that it was much more unparliamentary and informal to agree with resolutions unauthenticated, for such, in point of form at least, they must be considered, the evidence not being reported, than refuse to publish or print the evidence because it was not reported; for such a refusal amounted fairly to this: the evidence ought to have been reported, but it was not; and as it has not, though it ought, we will avail ourselves of an informality we have ourselves been the occasion of.

His Grace animadverted in a very pointed manner on the noble Lord on the woolsack, and laughed at the affected candour of the noble Lord at the head of the admiralty. He said, the latter consenting, and the former opposing the present motion, was the effect of mere artifice. The noble Earl could not decently rise to give a negative to the motion, after so frequently expressing an earnest desire of having his own conduct enquired into, and the charges contained in Captain Baillie's book fully and openly investigated; but when it was fouud that the House were unanimously disposed to agree to the motion, out steps his learned friend from behind the curtain, and states his objections on the score of informality, and the irregularity of consenting to such a mode of proceeding.

The learned Lord, and the noble Earl [Denbigh] who spoke before him, had taken it for granted, that all the complaints stated in Baillie's book had been disproved. He begged leave to contend, that every one of them, but one, had been clearly proved, and that, one of little or no consequence. Notwithstanding the infinite labour, dexterity, address, and oratory used by a noble and learned Lord over the way [Mansfield] on the night of the decision, he was too well acquainted with the learned Lord's gravity and good sense, to suppose that his Lordship would have made so laboured, and, apparently, a studied harangue, to no manner of purpose. If the facts were so clear, so evident, the deduction so plain, and conclusive, why mispend so much time, so much legal knowledge, in proving what already had, from the evidence, been incontrovertibly made out? No great sagacity was requisite to discover the cause. The people without doors not only retained their doubts, but a very considerable number of them did not hesitate to publicly condemn the decision. On this account, if upon no other, it became incumbent on their Lordships, more particularly such of them as had spoke or voted on the occasion, to publish their reasons to the whole world,

world, to satisfy their friends, and to confound their enemies, and shew that their conduct was justifiable, and that the evidence received rather went beyond than fell short of the resolutions moved in the committee. If conscious of having acted right, they ought to wish to submit to the public, proofs that they had not acted as an abandoned and corrupt House of Parliament, which was a language he had heard used on the occasion more than once without doors. He did not mean to say that such language was justifiable; but if, from political motives, their Lordships had stopped or perverted justice, whatever might be the prescribed language current in that House, it would not be very easy to direct the public opinions out of it, or prevent the people from saying, that it was an abandoned House of Parliament.

He observed, that it had a very odd appearance, that the noble Lord on the woolsack so repeatedly stepped forward, and that on almost every occasion, and in the present instance rose to controul what seemed apparently to be the sense of every side of the House, even of some of the persons most nearly concerned. The noble Earl in particular who had been pointed out as the principle object of the enquiry by the learned Lord, had openly consented and urged nothing against the propriety of his motion but the mere objection of expence, yet the noble Lord on the woolsack had set his face against the motion, and attempted to lead the majority of the House. It reminded him of what had happened more than once in the course of the enquiry, which was, that after the noble Earl at the head of the admiralty had said, By all means go on—I wish an enquiry—I care not how much my conduct is investigated—The more the better. The learned Lord, or some other trusty friend, instantly rose, and by starting some quibble or legal distinction, or some futile, exploded, or frivolous point of order, shifted the true ground of debate, in order to lead their Lordships from the true question.

This, his Grace contended, afforded just cause of suspicion and pre-concert; and indeed it was difficult to recollect any of the principal proceedings in the course of the enquiry, without remembering frequent instances of what he now alluded to.

He had another motive for wishing to have the evidence printed, which was, that mankind might be enabled to form a judgment, he meant in order to estimate the weight of the arguments used by the noble Earl who presides in the court of

of King's-bench. Here his Grace made several pointed observations on several of the learned Earl's arguments, particularly respecting Maule's list of the persons who were stated in his report to have never been at sea, though occupying civil offices in the hospital. This fabricated list he had fully proved, he presumed, to every one of their Lordships, to have been founded in misrepresentation and falsehood; but what was the learned and noble Earl's conclusion from his proofs and clear detection of the witness? very novel and extraordinary indeed! Such logic, he hoped, as he should never hear again resorted to in an House of Parliament.

Maule, in his list, made a return of twenty-one of those pretended landmen who had filled civil offices in the hospital. He himself made such an enquiry as the shortness of the time and the means of information would admit of; and had proved that five out of the twenty-one were persons who had been bred seamen, or had served at sea, and some of them had had rank. Oh! says the learned Earl, Maule might have searched in an hurry, and possibly may be mistaken in the five instances alluded to; but that no more than five having appeared to be seamen, it is a demonstrative, nay certain proof, that the remainder were landmen.

He was no less severe on that part of the learned Earl's speech which related to his Lordship's conduct respecting Mellish the contracting butcher, the alteration of the charter, and his Lordship's avowed preference to an arbitrary instead of a limited power, being invested in those entrusted with the government of the hospital. The noble and learned Earl had indeed stepped beyond the line which his prudence and caution generally prescribed, for he contended fairly and openly, that the fewer hands the management of Greenwich Hospital was entrusted in, the better; and in a single sentence, at once condemned any controul or limitation of the power vested in the first Lord of the admiralty, but what his Lordship's own good judgment might suggest; in short, individual responsibility was preferred to any interference or check which might be supposed to be lodged in the court of directors or general court.

His Grace, after paying his compliments to a noble Earl and a noble Viscount [Lords Chesterfield and Dudley] who had acted so commendable and zealous a part in behalf of the first Lord of the admiralty, entered into a long historical narrative of the bill for preventing the sale of the clerks of assize places, and gave broad hints, that the noble Lord on the

the woolsack had designedly made such amendments in the bill, as his Lordship foresaw would have furnished those who secretly disliked the bill, with a pretence for getting it flung over the table of the other House; and, as it literally happened, of being the cause of having it kicked out of that House into the lobby. This, he said, was indecent, and betrayed a want of that respect which the Houses owed reciprocally to each other; and though it would be very idle now to enter into any discussion of the subject, he doubted much if the other House, from ill-founded motives of jealousy, had not rather stepped a little out of their way to spend their resentment in what administered no just cause of offence.

The Lord *Chancellor* replied with great warmth; said he was above the insinuations thrown out by the noble Duke; that it was his duty to rise and state objections to any informal or irregular proceedings going on in that House; that a sense of duty was what urged him to rise on the present occasion, as it did upon a former one alluded to by the noble Duke; and asserted, that he never presumed to rise and controul the sense of the House, but in instances in which the form of their proceedings was about to be departed from.

Earl of *Mansfield* made a reply in defence of his speech on the 7th instant, upon the several points respecting the charter, the affair of the contracting butcher, and said the noble Duke's conduct was such, as that those who differed in opinion with his grace, were always prepared for what they were taught to expect.

Duke of *Richmond*, in reply to what had fallen from the learned Earl, contended, that he had truly and candidly repeated the arguments, and stated the grounds from which his Lordship's conclusions had been drawn.

He was far from hinting, that the learned Earl had talked nonsense, or was absurd, or of imputing his Lordship's conduct to any bad motive. Of the latter he had no suspicion, and of the former no person could think higher of his Lordship's abilities than he did. So much and no more, he was ready to grant; but surely the learned Earl in the plenitude of his wisdom, professional knowledge, and great powers of oratory, could not lay claim to an infallibility which was denied to every other man. It was no proof surely of his want of respect, to give his Lordship to understand, that his speech

speech of the preceding Monday, was not quite so convincing, brilliant, and able, as his speeches were wont to be.

After throwing some degree of ridicule upon the learned Earl's claim to infallibility, he referred to several parts of the evidence which had been delivered at their Lordships' bar, respecting the enquiry into the management of Greenwich Hospital, and the very novel and extraordinary arguments and conclusions which his Lordship had drawn from it. He dwelt for a considerable time on the case of the contracting butcher, Mellish, and the several defences set up by his Lordship in behalf of the directors for the renewal of that contract, after Mellish had been convicted of the most gross and shameful frauds.

The noble Earl had defended the contractor and the directors in a manner the most uncommon he ever heard. In the instance of the first conviction, his Lordship supposed, that what was really and fully proved might not be true; and on the second conviction, that he permitted judgment to go against him, though he was conscious of his own innocence. But supposing, says his Lordship, that Mellish was really guilty of what he had been charged with, the directors, by renewing the contract the third time with him, were justifiable, as they gave him an opportunity of retrieving his character. He had often heard, that to save a rogue from the gallows was the way to have him cut your throat, but never before heard, that it was necessary to continue a connexion with a man convicted of cheating, merely to give him an opportunity of retrieving his character, or in other words, to give him a fresh opportunity of repeating his former frauds in the first instance, and a passport to enable him to cheat the rest of mankind besides.

His Grace insisted, that it was the duty of the directors to have immediately set their face against Mellish, and their failing in the performance of it, furnished a most dangerous example to every person connected with the hospital, and was little short of a professed invitation to cheat, under the protection of those to whom its management in the several departments was entrusted. He said such an open encouragement to public rapine and fraud, was replete with the most mischievous consequences, and enabled the man thus protected to become a monopolist, and of course a public plunderer, to any amount, having the market entirely in his own power.

He

He had lately heard of an instance which confirmed him stronger in the truth of what he had now asserted, respecting this Mellish; which was, that having found that a person had entered into a contract for supplying the demand of government at Portsmouth with fresh beef, he had offered five hundred pounds to the contractor, though he accepted the contract upon lower terms than he did, merely to prevent him from being connected with government. He was not then in possession of the proofs, but he undertook to bring proofs of it early in the next session of Parliament.

His Grace adverted to a great many passages in the learned Earl's speech, particularly the false return made by Maule of persons appointed to civil offices who had never been at sea. He observed on several provisions in the first charter, which were omitted in that of 1775; and, in short, went through the whole of the learned Earl's speech, and fairly confuted every one of his Lordship's law-doctrines.

In reply to the Lord Chancellor, he said, how much soever the learned Lord might be above acting in concert with the noble Earl at the head of the admiralty, the House and the public would judge for themselves. The fact he alluded to was that of a noble Lord [North] in the other House, who had ordered a fleet of victuallers to proceed to Philadelphia, though he had previously given orders to the fleet and army to evacuate it, and that he had been charged with calling that noble Lord a blockhead. Possibly such an appellation might strike some of their Lordships' ears as an harsh expression; he begged them, however, to consider the enormity of the blunder, and decide fairly and impartially for themselves, whether the calling such a minister a blockhead, was not treating him very mildly, and he farther hoped, that their Lordships would reflect, whether the learned Lord on the woolsack did not administer good grounds, at least apparent grounds, of stepping forward in a very extraordinary manner, when he opposed the motion made by his noble friend near him [Manchester] which had been made at his desire, for the papers relative to that transaction, and that in contradiction to the professed opinion of two noble Lords in high office [Gower and Weymouth].

His Grace again returned, to observe on the political conduct of the learned Earl who spoke last, and repeated, that he was fully convinced of his Lordship's very great abilities; he knew they were indeed very powerful, and his country had just cause to lament that they were. It was to those abilities,

to

to those delusive expressions of the noble Earl, that " we had passed the Rubicon, that " the sword was drawn, and the scabbard thrown away," that " the whole continent of North America, by a fiction in law politics, was represented as completely as the county of Middlesex, in the British Parliament," and " that if we did not kill the Americans they would kill us," which formed the true cause of all the calamities that this country now felt, or was threatened with, as well as all the miseries and distresses under which every part of the British empire laboured.

Earl of *Mansfield* charged the noble Duke with misrepresenting what he said, relative to Mellish the contractor. The noble Duke had given to him a kind of argument, which he had never urged; the noble Duke, among the variety of things which he chose to select out of his speech for the purposes of controverting them, had imputed to him a declaration, that the reason of the board of directors having contracted again with Mellish after his conviction, was to give him an opportunity of retrieving his character; on this the noble Duke had reasoned pretty largely, and had triumphed not a little. Unfortunately the noble Duke's triumph was groundless—he had never used the argument, nor any thing like it. He was in the judgment and the recollection of their Lordships, whether his argument was not diametrically opposite; in talking of the reasons that might influence Mellish to seek a new contract with the hospital, he had, among other things said, that probably he might wish to retrieve his character with the hospital; but he had never suggested an idea, that it was the reason which prevailed in the minds of the directors to contract with him afresh. In justification of their having done so, he begged to bring to the recollection of the House what had been said by Mr. Cust and Mr. Marsh, both of whom had deposed that the contract of Mellish was cheaper by 300l. than that of any other person, and that his contract was so cautiously guarded, that if the servants of the hospital did their duty, it was impossible for any new fraud to happen; and he had added, what their Lordships, at least such of them as had attended the committee, well knew, viz. that by the concurrent testimony of Captain Baillie and Alexander Moore, the cook, there had not been the smallest complaint of bad meat at the hospital since June 1775 As to the expressions which the noble Duke had repeated, concerning what fell from him some years since, on the subject of the American war, he was exceedingly obliged to the noble Duke for having mentioned them, since it gave him an opportunity of explaining

plaining what had been most grossly misrepresented, over and over again, both within doors and without. The expressions were not used by him on one and the same occasion. When the Boston port bill came before that House, and their Lordships were debating it, he had troubled the House with his sentiments upon it. He had discussed the alternative at that time under consideration, whether it was more wise to give up the colonies, or to endeavour by a system of coercion to recover them, and bring them back to their allegiance and dependence on this country. He had taken the argument in both points of view; he had said, "If this bill pass, your choice is over, and your election made; you must go on, you will have passed the Rubicon." This was the mode in which he used the expression; he had not said, "We had passed the Rubicon." The other expressions he had dropped long afterwards, during the war, on the prohibitory bill, and on a motion for a cessation of hostilities. On those, and several other questions as they arose, he argued upon the existing circumstances at the time; "Great Britain at war with America, the Americans in arms, and acting in a hostile and offensive manner against this country,"—having so stated it, he had quoted an address made by Gustavus Adolphus to his soldiery; an address well known, "There is the enemy, if you don't kill them, they will kill you." It had been his opinion at the time; it was his opinion now;—and why?—There must be two parties to the making of peace; it was not enough for one of the contending powers to be willing to end a war, the other must consent to end it likewise.

The Duke of *Bolton* answered that part of the noble and learned Earl's argument about Mr. Mellish, and contended, that the board of directors had acted unjustifiably; that they ought not to have contracted again with Mellish. He asked if any of their Lordships had discovered that they were cheated by their butcher, whether they would not have turned him off and never dealt with him again? As to the argument, that they could get no other person to make a tender, it was futile and absurd; it was well known there were several butchers in Greenwich who would have been glad to have served the hospital, and who would have served it as cheap as Mellish. The noble and learned Lord had said a great deal about there not having been a complaint of bad meat since June 1775.—Why was there not? because Captain Baillie had prevented it; the butcher and the steward well knew that he was watching their conduct; they dared not to suffer any bad meat to come into the hospital for fear of his discovering them; when

they

they had entirely got rid of him, he did not doubt but the same frauds would be attempted again, for Moore had sworn, that Mr Cooke, the chaplain, and the steward, both came to him, and desired him not to speak of the bad meat? His Grace thought the proceedings of the committee ought to be printed, and voted for the motion.

Lord *Dudley* said, that if it were only on account of the expence; he thought the evidence ought not to be printed; the whole would make a very large volume, and he understood that the mere cost of printing would be one thousand pounds. which in times of public necessity like the present, was two large a sum to waste, in printing what scarcely any one person would take the trouble to read. His Lordship also strenuously controverted the doctrine that it was right to print the evidence in justification of the conduct of the House. Before he sat down, he informed their Lordships, that Seyward the butler, whom the Duke of Richmond had asserted never to have been at sea, was, to his knowledge, a seaman, and by no means came under the objection.

The Duke of *Richmond* made a short reply, declaring that the papers on the table had misled him, if he had been mistaken. His Grace also spoke in answer to what Lord Mansfield had said in his second speech, avowing that he had understood the expressions of the noble and learned Lord respecting passing the Rubicon, &c. exactly as his Lordship had explained them; his Grace added, that both when he first heard them, and now, he thought the expressions very improper, and he really believed they had misled the public, and done much harm.

Question put on the Duke of Richmond's motion: contents, 18; not-contents, 43.

The Duke of *Bolton*, as soon as this motion was disposed of, entered into the proper order of the day. He observed, that ministry were not be trusted to themselves, after having mismanaged the public concerns in so gross a manner, and made a particular attack on the first lord of the admiralty; charging him with having driven a Keppel, a Howe, a Harland, and a Shuldham from the service of their country, when their assistance was most necessary, and with having taken a commander of the fleet from Greenwich Hospital. He said he did not mean to arraign either the character, courage, or conduct of Sir Charles Hardy, but he had always considered an appointment to Greenwich Hospital as a retirement; regarding that charity as an establishment for old and disabled

seamen. After stating other topics containing just grounds for censuring administration, and giving various reasons why Parliament ought not to be prorogued; his Grace made his motion.

Lord *Weymouth* opposed the motion; his Lordship said that Parliament had already sat to a much later period than was usual, and that the Crown, in case there should arise a cause for convening Parliament, was invested with a power of calling them together at fourteen days notice; add to which, if the Americans should express a desire for peace, his Majesty had, by a late act of parliament, authority to declare them in his peace. Besides this, the recess would be for a very short time, so short a time, that it would be scarcely longer than was enough for a vessel to sail to New-York and back again. His Lordship further said, that he saw no real necessity for Parliament's continuing to sit; the summer would be taken up chiefly with military operations, and he was certain, that neither House of Parliament could forward the execution of them.

The Duke of *Richmond* in reply said, that it was true the session of Parliament had continued to an unusual length of time, but he begged the noble Viscount to recollect, that the times and the circumstances of the times were altogether unusual. We were engaged in a most expensive war, and were on the eve of being more deeply engaged, as, he feared, that Spain would certainly join with France. His Grace adverted to the affairs of Ireland, and said, they stood on a very tottering foundation indeed. He urged ministry by their hopes of personal safety, to consent to the motion, and declared that what he then said arose merely from his zeal to avert the cloud of calamities which hovered over this devoted country. He neither wanted place nor pension. He thanked God, there was nothing in the gift of the minister which he had the least occasion to desire.

The Marquis of *Rockingham* recalled the attention of the House to the terms on which the King possessed the power of convening the Parliament on fourteen days notice. The act expressly stated, in case of invasion, in case of actual rebellion in the kingdom, and in case of imminent danger of either. These were the three express conditions, and not a word was said about making peace. The Marquis said, it was reported that twenty-six or twenty-eight sail of the Brest fleet were at sea on the 4th instant, and put the question to the first lord of the

the admiralty whether he had a fleet equal, ready for sea, and when it would sail?

Earl of *Sandwich* replied, and gave the House to understand, that at that very time, we had a fleet falling down to St. Helen's, ready to sail the next day, which was greatly superior to the French fleet, as described by the noble Marquis.

The Marquis of *Rockingham* in reply said, that the French had been masters of the British Channel ever since the 4th instant, if his information was good; he begged therefore to know of the noble Lord, whether it was so or not; at the same time he informed him, that if it were, it was altogether a new circumstance in the English history, and that the minister, who by his neglect of duty suffered such a disgrace to the country, ought to be hanged.

Earl of *Sandwich* said, he had given a proper answer already.

The Duke of *Bolton* ridiculed the authority on which the noble Earl at the head of the admiralty had rested his intelligence. He said it might come from an old woman, and that Admiral Sir Thomas Pye might have told madam such a one so and so, for what the House knew. He begged to know what Sir Charles Hardy, what the commander of the fleet, said upon the subject? If he had sent any information to the admiralty? If he had, that could be depended upon. If he had not, he should pay no credit to the blind story the noble Earl had told their Lordships.

Lord *Townshend* spoke next, and stated several reasons for the recess of Parliament; his Lordship said, if Parliament could with any propriety proceed immediately to give Ireland that relief she stood so much in need of, and merited so highly at the hands of this country, he would be the first man to support the motion, but as it was impossible to effect so salutary a purpose till next session, and as it was extremely necessary the militia officers should resort to their respective stations, and necessary a variety of military operations should be forthwith put in execution, he thought that Parliament's sitting longer would rather be an impediment to the national business, than tend to accelerate it, or assist it in any manner whatever.

The Marquis of *Rockingham* rose again, and urged as a fresh instance of neglect in the first Lord of the admiralty, (if the French fleet were out as he had stated) that a fleet of

Indiamen had sailed on Saturday under convoy of only one twenty gun ship.

Lord *Effingham* said a few words, and a division being called for, the contents for the duke of Bolton's motion were 20; not-contents, 46.

June 15 *and* 16.

No debate.

June 17.

This day Lord Viscount Weymouth presented a message from the King on the subject of Spain, together with a copy of the paper which had been delivered to him by the Spanish ambassador. Both papers were the same as presented this day to the House of Commons. [*See Commons Debates of this Day.*] His Lordship moved an address to the King, which was also to the same purport as that of the commons. After which his Lordship only said, that the address contained his sentiments so fully, he had nothing to add, and he did not doubt that their Lordships would unanimously agree to it.

Earl of *Abingdon*. I rise solemnly to declare, that I will never give my assent to any address of any kind to the throne, but will now, and upon all future occasions of the like kind, divide the House, though I be the single dissentient voice, until the grievances of the people are redressed, by his Majesty driving from his presence and councils those wicked and abandoned wretches of ministers who have wantonly, openly, and in defiance of the majesty of the people of England, not only broken down the fences of the constitution of this country, but have now left us exposed to the ravages and the threatened destruction of our enemies.

I shall, therefore, my Lords, take the liberty of moving a clause by way of amendment to this address, and in aditition thereto.

The clause, my Lords, is this, and may stand as the last sentence in the address.

" All which, however, is said as well conditionally, as in humble hope and confidence, that, awakened as your Majesty must at length be to the impending ruin of the state, by the incapacity of those ministers to whom the administration of government has been entrusted, your Majesty will see the necessity of removing those ministers from your royal councils and presence, and of placing others in their room, who (by a change of system, and in so doing by obtaining the confidence of your Majesty's loyal subjects at large) may unite the whole as with one mind and with one body, as the only means of pre-

preservation left for the political existence of this once great, but now expiring empire.

The Duke of Richmond then rose, and begged of his Lordship either to withdraw or postpone his motion till one he had to make was disposed of, as it went in part to the same effect. Lord Abingdon, however, said he would abide by his motion, which was accordingly put, and the House divided on it: contents, 23; not-contents 62.

As soon as their Lordships returned into the House, the Duke of *Richmond* rose, and after recommending unanimity in the most pressing terms, moved the following amendment.

"That in a moment so critical as that which now presents itself to the consideration of Parliament, the most awful this country has ever experienced, it would be deceiving his Majesty and the nation, if at the same time that we lament the fatal effects of those councils, which by dividing and wasting the force of the empire, of the civil wars, which incited our natural enemies to take advantage of our weak and distracted condition, we were not to represent to his Majesty, that the only means of resisting the powerful combination which now threatens this country, will be by a total change of that system which has involved us in our present difficulties in America, in Ireland, and at home; by such means, attended with prudent œconomy, and the due exertion of a brave and united people, we trust that his Majesty, with the assistance of Divine Providence, will be able to withstand all his enemies, and to restore Great Britain to its former respected and happy situation."

His Grace's speech was a counter-part of the above amendment. He said he would not consider past miscarriages; he would not refer to any former circumstances, which might create a diversity of opinion. His amendment was founded on the broad basis of public union and public strength, and was meant to call the attention of the House and impress the nation with the actual existing circumstances of the kingdom.

His Grace arranged his matter as he had stated it in his motion, considering in succession, America, Ireland, and the home defence.

In case, he said, that the manifesto (the contents of which he had read before it was presented to the House, by the permission of the noble Viscount) imported what it seemed to him to import, an actual and avowed declaration of intended hostility; our situation in respect to the home defence was indeed truly awful.

By the home defence he meant our naval force in the European seas. This, he said, amounted in the whole to thirty-one ships of the line, as fine a fleet, he understood from persons well informed, as ever left this country, tolerably well manned, he believed, as well manned, at least, as the circumstances of affairs would admit.

Those thirty or thirty-one ships of the line composed the whole fleet on which this country must at present depend for its safety and protection. It would next be necessary to learn the strength of our enemies.

By authentic accounts which he had received, twenty-eight ships of the line sailed from Brest on the 3d instant, and were at that minute, if they chose, masters of the British Channel; and though he did not think it necessary at present to take up any matter retrospectively, he could not avoid expressing his astonishment at the conduct of the noble Earl at the head of the admiralty, who could so far neglect his duty as not to know that the Brest fleet would have sailed on or about that day, wind and weather permitting; or his criminality, presuming him to be apprized of that event, that he had not the grand fleet ready to proceed to sea, and not have suffered our trade, commerce, &c. to be liable to be captured or destroyed by a foreign enemy riding off our coasts.

His information went still farther, that aboard this fleet there were several thousand troops, commanded by an old lieutenant general, a Monsieur D'Avaux. He did not pretend to point out the destination of its force, whether it was intended to co-operate with Spain in the southern part of Europe, or for an attack in the West Indies, or for North America. Each alternative created in his mind the most melancholy apprehensions. He understood that the fleet of Spain was in a formidable state of forwardness; but at the present, besides her naval force in the West Indies and Spanish America, she had thirty ships of the line ready to proceed upon actual service, at a day's warning, perhaps already at sea.

This, he confessed, would be a great inequality, should a junction between both fleets take place. Sixty ships to thirty did not hold out any flattering prospects of victory and success; but we must not despond, nor sink into an abject fit of despair and dejection. It was the duty of man to struggle with difficulties, to surmount them by resolution and activity; and whatever he was bound to bear or perform in his individual capacity, he was bound to bear or perform as a member of the community. His Grace pointed out the means in a very warm, manly, and pathetic manner. He spoke much of the

the exertions of a free people engaged in a just cause. Every man, he said, was called upon in the present distressful and calamitous situation, to assist by his purse or in person. Those who could fight must assist that way; those who can pay should contribute in the manner they are best able. It was a season of peculiar urgency; the means of defence must be correspondent to the present situation of affairs. Those who are blessed with affluence must contribute largely. When the safety of the state was at stake, all reasoning was at an end. He did not see, though we had no money, why we might not devise means to answer or supply that want. The people of America had no money; they were obliged to issue paper, by which means they have resisted the whole force of this country. Why may not Britain, should the necessity of the times require it, do, to secure her very existence, what America has done in defence of her liberties?

After very fully discussing this subject, he took notice of the state of Ireland; well disposed, he allowed, but her dispositions much altered respecting her political relation to this country. There were men at all times of enlightened understandings in that country, sufficient to discover the unwarrantable claims exercised by Great Britain over Ireland, particularly respecting the restrictions laid on trade and commerce. A book or pamphlet had been lately published, pointing out the injustice of those claims, in answer to some passages in Sir William Blackstone's Commentaries.

The principles laid down in the publication alluded to, disclaim any dependance on this country, but what may arise merely from an union of interests and power; and he was firmly persuaded they were the principles of every person of property and common sense throughout the whole kingdom of Ireland. What will be the consequence? We shall, in the first instance, want the cordial assistance and good will of the people of Ireland, which is at present so extremely necessary; and when you come to assert what they think your unjust claims, or deny them what they deem their just rights, your Lordships ought to seriously look forward to the consequences. He next represented Scotland as in an extreme bad temper, on account of several internal and external causes of complaint which the people there laboured under. The conclusion was, that the picture was a melancholy one, so much so, that he did not wish to draw it too correctly, much less to over-charge it.

If then England, engaged in an unequal contest with a combination of power, apparently entered into for her de-

struction; if Ireland was on the eve of vindicating what she understood to be her natural and political rights, in case any resolution to longer withhold them should be determined upon on this side of the water; if Scotland was ripe for insurrection; if our fortresses in the Mediterranean, and our possessions in the West-Indies and America, were at the mercy of our enemies; if the colonies were dissevered from this country, and leagued with our foreign foes, next to measures of immediate preservation, was it not the great secondary object to endeavour to add to our effective strength, in order to protect ourselves, and retaliate on our enemies?

He had no doubt but that every noble Lord present would instantly answer with one voice, If we like the means. The means, in his opinion, were very practicable, and of easy access. His idea was to change the system which has prevailed in our councils, to abandon the American war, at least for the present, to collect the great military force now doing nothing there, and employing it instantly against our enemies (he meant Spain) both in North and South America. The adopting some such measure as this, if it would not be the means of gaining America, would not be the cause of losing it. That country was already worse than lost. It was a drain of treasure, a loss of some of our best blood; it was the great cause of division in Parliament and the nation. If that unfortunate war was once abandoned, and with it the system which gave it birth, he made no doubt but that Britain, as she had been often before, would prove a match for the whole House of Bourbon.

It might be urged, that withdrawing the troops, or collecting them for the purpose of employing them against the common enemy, would amount substantially to the declaring America independent. He assured their Lordships, that he had not then a single idea on the subject, whether such a declaration on our part would be wise or politic. The sole objects of his motion were these; to alter the system on which those councils have been formed, that have brought us into our present calamitous situation; and to make the most vigorous exertions, both offensive and defensive, in order to defeat the designs of our enemies. The means to obtain those objects were, union at home, and a general confidence arising from the proposed change of system in those who may be entrusted with the conduct of public affairs. He must, however, put in one reservation, as well in behalf of himself as applicable to the arguments which he used, that when he was called upon to pledge his life and fortune, such a

pledge

pledge on his part must come accompanied with that species of security that is ever understood to be the condition of so sacred a trust He must have one grand test of the wisdom of future measures, that of an immediate change of the ruling system. His Grace spoke to a great variety of topics, and enlarged upon others.

Lord *Weymouth* rose, but said not a tittle in answer to the noble Duke's motion. He only took notice of that part of his Grace's speech which related to the conduct of the King's ministers. For his part, in whatever manner the King's ministers might have acted, was at present of very little consequence. Spain had already decided for herself, and the question fairly before the House was, whether the utmost exertions of this country should be made in our own defence, and in repelling the attacks of our enemies?

Earl of *Shelburne* said, he highly approved of the amendment proposed by the noble Duke, though he was not exactly prepared to give an opinion on the mode of collecting our force, or employing it effectually; but this he was ready to acknowledge, that the state and condition of America, and of Europe, was much changed since he gave his sentiments respecting the proper conduct to be pursued respecting the former.

As to a change of system, it was become absolutely necessary, as well in point of men as measures. He meant those employed as the servile instruments of carrying that ruinous system into execution. The nominal minister in the other House, who was dressed up, what kind of a thing was he? He begged pardon, what kind of a dressed up thing was it? Who were his employers? What was his business? Though he did not, any more than the noble Duke, wish to take retrospective views of past calamities, he could not avoid taking notice of the use made of this tool, that of imposing on that very respectable body of men the country gentlemen. This thing, thus tricked out, answered the purposes of his creation, under the deceitful appellation of a minister. This phantom of a real minister had led the country gentlemen into a war: he had buoyed up their expectations with hopes of a revenue, and had persuaded them, by a single vote, to give up those expectations: he had led them into a French war; he had lately inspired them with hopes of once more recovering America; and finally, he had led them into the calamitous situation of being obliged to go to war with the whole House of Bourbon allied with the subjects of a third part of the British empire.

Who

Who was the next great supporter of this nefarious and destructive system? A man who never having any regard to military honour, could not be expected to have very nice or delicate feelings for that of a most able, brave, and experienced officer; he meant the noble Lord at the head of the American department in the other House, in reference to his conduct towards General Grey. General Grey, who took a part in all the active operations of the campaign of 1777 and 1778, is examined as a witness at the bar of a committee of the House of Commons, appointed to enquire into the conduct of the American war. What happens? General Grey, who gave the most satisfactory, correct, and full evidence that was ever given before an House of Parliament, is let to go out of town, and in four weeks after the noble Lord at the head of the American department, taking an advantage of his absence, passes, in a pre concerted speech, the most ungenerous and ill-founded censure on that gentleman. He controverts his military skill, he condemns his opinions as unfounded and taken up lightly, and upon trivial grounds. He does more: he undertakes to disprove his allegations even before a single sentence of the testimony on the other side is heard, and that through the channel of a favourite witness, who has already experienced the good wishes of government, by being appointed governor of New York; he states conversations previously held with General Robertson as so many proofs to the House that General Grey had given a false or ignorant testimony.

Let us contrast this conduct of the noble Lord, respecting General Robertson, the gentleman I lately alluded to, and that to Lieutenant Colonel Dixon, late first engineer on the expedition under the command of that much injured gentleman Sir William Howe. The noble Lord's secretary, a very active young man [Mr. de Grey] is sent with a message from the noble Lord to Colonel Dixon, desiring to see him immediately. The colonel returns a most manly and officer-like answer. He lets his Lordship know, that he was just on the point of being examined respecting the conduct of his commander in chief; that he was then extremely busy, being employed in arranging such parts of his evidence as would depend upon written documents, &c. but that as soon as his examination was closed, he would take the earliest opportunity of waiting on his Lordship. Attend to the sequel: the noble Lord at the head of the American department and his secretary, understanding that the colonel's testimony was not likely

likely to turn out very favourably to his Lordship's first views and expectations, declines to have him examined; when the noble Lord's intentions are reported, the colonel immediately prepares to attend his duty in the north of England, and informs his Lordship's secretary that he is then ready to wait on him; but a prospect of all management being at an end, he receives a very cold message from his Lordship, importing that his presence will be dispensed with. These are the foul, the scandalous, the treacherous means resorted to, to destroy the characters and wound the honour of brave and deserving officers; and such are the arts made use of to seduce professional men to sacrifice at the shrine of power, in order to accomplish the ends of a wicked and bad administration.

The other leading person in this system is the noble Lord opposite to me, the first Lord of the admiralty. What have been his Lordship's chief merits? A continued series of delusion and imposition; a total ignorance and incapacity for the discharge of the duties of the high station he occupies; and talents, unhappily for his country, of such a particular size and make, as to enable him, contrary to every ground of substantial conviction, to evade the constitutional or parliamentary effect of proofs little short of mathematical demonstration. This, my Lord, is the man, who by his neglect and incapacity, has invited an attack from France, which has by its consequences produced that manifesto on your table.

But, my Lords, I would not stop short at overthrowing this system, so far only as it related to the ostensible actors in it: I would go much further; I would trace the evil to its very source. I would drag into open day, and to public punishment, its real authors. I would extirpate and eradicate the power possessed by every different description of men, who compose, in their several leading and subordinate capacities, the whole and each respective part of this traiterous system. The lawyers, the *commis*, the clerks in office, &c. I have been informed that one of those *commis*, who was lately a commissioner to the American Congress [supposed to mean Mr. Eden] has had a most ample pension settled on him on the Irish establishment. But to return; as I would wish to have the system changed, so I would wish to have the concealed authors punished. The nation must have satisfaction, the day may be procrastinated, but the enquiry cannot be prevented; sooner or later vengeance will overtake these men in their wicked career.

I remem-

I remember some time since, I think in the course of the enquiry into the management of Greenwich Hospital, an ingenious gentleman, one of the council at the bar, a Mr. Morgan, said the learned Lord over the way [Lord Mansfield] gave him a hint which he immediately took. I have often, in this House, been a witness to hints having been given, and their instantaneous effects. I have seen a hint from another high law character in this House [supposed to mean the Lord Chancellor] controul such of the cabinet as have seats here, although the noble Lord at the head of the council, and the noble viscount who has moved you this address, severally declared their sentiments on the other side.

After attacking the cabinet, the lawyers, and the *commis* for some time, in terms of the greatest asperity, he reminded their Lordships how exactly the sentiments of the noble Duke respecting the measures proper to be adopted on the present occasion, accorded with those he had more than once taken the liberty to state to the House, towards the close of the last session of Parliament.

He said, he was of opinion, that the city of London had ever maintained a very high and conspicuous situation in the political history of this country, particularly at seasons of peril or approaching danger. The city of London paid about the sixth part of the whole public revenue: but how did the spirit of this ruinous system operate upon the city of London? After creating the necessity of laying on new taxes, and laying one upon dwelling-houses, the noble Lord at the head of the finances endeavoured, under the colour of law, and an extra-judicial opinion of the judges, to convert this dwelling-house tax into a warehouse, as well as a dwelling-house tax. Well, what did this great financier next do? Contrary to every principle of trade and commerce; contrary to his own pretended principle of laying taxes upon luxuries alone, or things which might be fairly deemed to come within that description; contrary to the sentiments of the city of London, and in defiance of the very basis of the constitution, he laid a tax upon warehouses.

Without the system of government was changed, as had been well observed by the noble Duke who moved the amendment, it was a farce to talk of unanimity, or while the men who were the authors of all our calamities and distresses remained in power, only to devise fresh mischiefs and perpetuate them. He, for one, would never consent to pledge his life or fortune, much less his own honour, and the liberties and defence of his country, to those who had so often misled, deceived,

ceived, and betrayed it. Which of their Lordships would appoint a steward to take care of his estate, who had no better claim to his trust or confidence than stating to him, "I have thrown away, from a corrupt, ignorant, and oppressive disposition, a very considerable part of its produce, in harrassing and vexatious law suits; I have plundered you myself, to a very considerable amount; I have lavished immense sums on those who have assisted me in my plans of oppression, imposition, and extortion, or in screening my villainies from you. One half of your Lordship's fortune is already lost, the other part may be preserved; your Lordship is still possessed of it; you must keep it as well as you can, for my conduct has brought many demands on it, and raised up many competitors: but you had better nevertheless continue your confidence in me, for, as I first assured your Lordship, I will give you every assistance in my power."

His Lordship highly applauded the noble Duke's manly exhortation to union. He perfectly coincided with his Grace, that it was union only that could bring us through our present difficulties: but he was well pleased to observe, that the union recommended by the noble Duke was conditional; that it was to be preceded by a change of system, consequently a change of measures. He most sincerely subscribed to his Grace's opinion, that our salvation depended solely on union, and if united, that we were fully equal to resist and defeat the deepest designs and most vigorous efforts of our most desperate enemies.

He begged leave to recall to their Lordships' remembrance, that he had more than once in the course of the last session, entered pretty fully into this subject, that of our ability to repel and retaliate on our foreign enemies, and had referred to instances drawn from our own history, as well as that of other nations; that he had described the state of this country at two very critical periods indeed, those of the reigns of Queen Elizabeth and of King William, and of Holland, when surrounded by the numerous armies of Louis XIV. in the year 1672. The fate of the Spanish Armada was too well known to call for any particulars, so was that of our navy, after the fight off Beachy, in the year 1690, when the fleet of France rode for full two months triumphant in our channel, and that at a time when more than one half of the nation were mistakenly attached to the cause of a perjured tyrant. Yet in none of those very trying and alarming situations did we despond.

We

We had still great resources; we could vie with the brightest period of our history, in great and respectable names, in our fleets and armies. Our navy, though far short of what it ought to be, was nevertheless formidable; our armies numerous and well disciplined; we were still a free people, and therefore had a stake to lose worth contending for.

His Lordship entered into a minute account of the internal state of this country, when it was threatened by the Spanish Armada, which contained a narrative of the several measures Queen Elizabeth adopted, the instructions given at Tilbury camp by that Princess to the Earl of Cumberland, and the different precautions taken in the event of a naval defeat, &c. which it is unnecessary to repeat, as they so often appeared in the debates of last session.

His Lordship again recurred to general exhortations to union, for without it, national destruction was inevitable; but this great basis of public safety could never be laid, but on the ruins of that baleful, wicked, and absurd system of politics which had pervaded our councils for the last eighteen years, and which must be cut up by the very roots; till the puppet ministers were driven from their present situations, and the secret advisers dragged forth into open day, and exemplary and condign punishment inflicted on them.

His Lordship professed himself to be of no party, but ready to do every thing in his power, and stand forth with his life and fortune, as he deemed neither to be his own, when his country demanded them. There ought to be now but one party in this country, who should distinguish themselves solely in its defence, with a warm, resolute, and spirited zeal for its honour. In such a party he was ready that instant to enlist; he cared not who they were, or of what denomination, unless it was those who had led us or betrayed us into our present calamitous situation; that wicked, unnatural, and destructive system once dissolved, he, for one, had nothing to fear, he had not a single doubt, that should such an event take place, the country being again united, would in the end recover its wonted power, dignity, fame, and glory.

He begged pardon; he was conscious how often, in the course of the last and present session, he had experienced their Lordship's indulgence, on some of the topics treated of by him this day, which would always be a sufficient inducement to him never willingly or knowingly to abuse it, but he trusted the occasion would plead his excuse, as he presumed, that the propriety of recurring to some of his former argu-

arguments, returned with double force. He begged leave to mention a particular circumstance applicable to the subject of debate, which respected an observation or two that fell from the noble Viscount [Weymouth] who moved the address.

The noble Duke who moved the amendment had well observed, that the House ought to have been acquainted with the nature of the complaints stated in the manifesto, which lumped together amounted in the whole to one hundred. No, said the noble Viscount, that is totally unnecessary; Spain by her manifesto has told us, that she no longer seeks satisfaction in the way of negociation—Granted, that she does not. Will the noble Viscount seriously attempt to persuade this House, that because Spain has told us she will have recourse to arms, to procure that satisfaction which she charges us with denying, that their Lordships ought not to be made acquainted with the motives which induced the court of Madrid to make this dernier appeal. He was ready to allow, that probably Spain had long conceived an intention of making war, and only waited for a favourable opportunity of carrying this intention into execution; for indeed the reasons suggested in the manifesto appeared to him little better than mere pretences, and such as the court of Madrid ought to be ashamed of; it was nevertheless incumbent upon ministers to give Parliament every satisfaction relative to the whole progress of both the mediation and negociation, because Parliament would be better enabled to decide and pronounce with certainty on their truth or falsity.

After taking great pains to shew the propriety of ministers, even if for no other reason but that of defending themselves against some harsh expressions personally pointed at them in the manifesto, laying the state of the negociation before the House, he made a few observations on another reason urged by the noble Viscount, which was, that such a disclosure would not be proper till Lord Grantham should return from the court of Madrid. First, in point of time, just at the eve of a prorogation; secondly, what could Lord Grantham tell, when he did arrive? Not a syllable more than was contained in the papers on the table. It was therefore to the last degree absurd to thus amuse or impose upon the House so flimsy an apology. What information had the other noble Viscount [Stormont] or Ministers given their Lordships, since his Lordship's return from the court of Versailles, though full fifteen months had elapsed? What did he know,

know, or what had he told, but that he had informed ministers of the treaty between France and America in the various stages of its progress to its final completion? And how had ministers acted? By denying in one House that they had any information, and in this, owning they received it, but did not believe it.

Earl of *Carlisle* said a few words in reply to the noble Lord, and charged several parts of his Lordship's speech, with being fraught with maledictory expressions reflecting on several noble persons and others [meaning Lords North and Germain, and Mr. Eden], who, being absent, were not in a situation to defend themselves.

Duke of *Chandos* said, that he believed our misfortunes originated from other causes, than those ascribed by the noble Earl who spoke lately [Shelburne]. His Grace spoke of the public and private virtues of his Majesty, and contended, that ministers were far from deserving the very gross charges which had been made against them in the course of the debate.

Lord *Stormont* said, he did not intend to rise in the present debate, but for some allusions made by a noble Lord who spoke lately, to the conduct of a very dear relation of his [Lord Mansfield.] The noble Earl who spoke later [Carlisle] had, in his opinion, made a very proper distinction between invective and accusation, for no man present or absent could defend himself, or vindicate himself against maledictory expressions, violent invectives, loose assertions, and general insinuations.

The noble Duke's amendment, if he understood it properly, went to a withdrawing our fleets and armies from America. The words did not express that precisely; but, from the tenor of the noble Duke's speech, he presumed he was warranted in putting upon them that interpretation: he alluded particularly to the words, a due exertion of the force, and his recommending in his speech to collect it, in order to be employed against the common enemy, the house of Bourbon.

He would not make any distinction, whether recalling the troops would be in fact declaring America independent: but he would tell the noble Duke fairly, what were his grounds of dissent to any such proposition. In one of the private articles of the treaty, signed in February, 1778, between France and the Congress delegates, it is specially provided, that the Colonies and France shall never agree to any terms, till

till the former is acknowledged independent by Great Britain. What then will be the consequence, should the troops be recalled, but that America, bound by the secret article, can never treat with the mother country, till she is declared independent. This was the real cause why, he said, we were not at that instant at peace both with France and Spain.

Earl of *Shelburne* replied that he never meant to make use of maledictory language or invective. His charges, he said, were not founded in loose assertions or vague conjectures, but notorious facts, incontrovertible in their nature, and he believed sufficiently specific. The learned Earl [Mansfield] knew them to be directed at him. He said, the learned Earl had overturned the common-law of England, both in his professional and political capacity. He did not speak by hazard, nor did he form his charge upon loose conjecture. Able as that learned Earl was, confident as he might be of his legal abilities and great talents, he had his information from more than one, fully his equal, as a lawyer or a politician, [supposed to mean Lord Camden and Mr. Dunning.] There was a specific charge. He would make another which came within his own knowledge and habits of life. It was the learned Earl who led that House through every measure relative to the American war, which accursed war had finally brought on our present calamities. He had carefully observed, and correctly marked, the means, the arguments, the artifices, the learned lord had employed to lead, or rather mislead, that House.

After pressing this part of his argument, he said he never made accusations behind any man's back, that he would not repeat to his face. He was ready to repeat, that the noble Lord in the other House [North] had been trimmed and decked out, in order to draw in, under false pretences, the country gentlemen to their own ruin; and to co-operate in measures fatally destructive and ruinous in their consequences to the nation at large. He was prepared, and at a proper season was ready to prove, that the other noble Lord [Germain] at the head of the American department, was no less criminal; that he had committed the fate of this country in an eventual contest with the whole house of Bourbon, in order to enforce unconditional submission; that he had afterwards basely humiliated the nation; had led it in sackcloth and ashes to the foot of the Congress; and after sacrificing the honour of the nation, had made a tender of the supreme and constitutional controul of this country over so nume-

rous and valuable a part of our subjects; yet, not content with all this, his Lordship for the second time had relapsed into his former dreams of conquest and unconditional submission, by again insisting that Great Britain should never treat with rebels with arms in their hands. He had besides libelled our generals, and done all in his power to disgrace them in the eyes of their fellow subjects, in order to screen his own guilt and incapacity; and as the last effort of an unprincipled and malevolent mind, had endeavoured to sow the seeds of faction in the army, as the noble Lord opposite to him [Sandwich] had so successfully in the navy; by which means the first officers, naval and military, had been driven from both services.

Duke of *Richmond*, after having openly declared that his amendment went really to the withdrawing the troops from America, entered into a defence of the propriety of that measure, in all its parts, as connected with the state of the nation; and professing, that he gave up all expectations of unanimity at home, or success, which could in the nature of things never take place, till preceded by a change of system, his Grace concluded with informing their Lordships, that he would immediately set off for the country, and put on a red coat, and there, as the last proof of his sincere attachment to his country, meet its enemies in the field, and perish in its defence, or triumph in their discomfiture.

The House divided on the amendment: contents 32, not contents 57.

Dissentient,

Because the amendment proposed, recommending to his Majesty a change of system in the principles and conduct of the war, appears to us to be warranted by every consideration which prudence and experience can suggest, and to be called for by the extreme magnitude of the dangers which surround us. The formal surrender of all right to tax North America, proposed by the very same ministers, who, at the expence of fifty thousand livres, and thirty millions of money, had for three years successively attempted to establish this claim, necessarily proves, either that those principles of legislation, which they had thus asserted and thus abandoned, were unjust in themselves, or that the whole power of Great Britain, under their conduct, was unable to effectuate a reasonable dependency of its own colonies. A dilemma dishonourable to them, and ruinous to us; and which, whatever side is taken, proves them wholly undeserving of the future confidence

dence of a Sovereign and a people, whose implicit trust in them (the largest which ever was reposed in any minister, by any king or any nation) they have abused in a manner of which the records of Parliament and the calamities of the nation are but too faithful witnesses.

If, with the whole force of Great Britain and Ireland, aided by the most lavish grants, assisted by thirty thousand Germans, unobstructed for a long time by any foreign power, they have failed in three cainpaigns against the unprepared provinces of North America, we should hold ourselves unworthy of all trust, if we were willing to confide in those abilities which have totally failed in the single contest with the colonies, for rescuing us from the united and fresh efforts of France and Spain, in addition to the successful resistance of North America.

In such a situation, a change of system appeared to us to be our indispensable duty to advise. We have considered such a change as the only means of procuring that union of councils, that voluntary effort of every individual in the empire, which is necessary to be called forth in this hour of danger. We have readily concurred in a sincere offer of our lives and fortunes in support of his Majesty against the attacks of his enemies. Those valuable pledges both of what is our own personally, and of what belongs to our fellow citizens (which ought to be, and are no less dear to us) give us a full right to claim and demand some better security for their being employed with judgment and effect, for the purposes for which we offer them, than can be derived from the opinions in which all mankind concur of the total want of capacity of his Majesty's ministers.

We have avoided recommending any specific measures, in order not to embarrass government in a moment of such difficulty. But we have no scruple in declaring, that whatever may be the future conduct of Great Britain with respect to America, the collecting our force at a proper time to resist and annoy our natural rivals and ancient enemies, seems to us beyond a doubt to be proper and expedient.

Secondly, we think this advice the more seasonable, because we know the obstinate attachment of the ministers to that unfortunate system, from the fatal predilection to which, they have suffered the safety of the state to be endangered, and the naval strength of our powerful, jealous, and natural rivals to grow under their eyes, without the least attempt to

interrupt it, until it had arrived at its present alarming magnitude, and hostile direction.

Thirdly, This plan appears to us strongly enforced by the melancholy condition in which the misconduct and criminal neglects of the ministers have placed us. Our best resources wasted and consumed; the British empire rent asunder; a combination of the most powerful nations formed against us, with a naval superiority both in number of ships and alacrity of preparation. And this country now, for the first time, left entirely exposed, without the aid of a single ally; we should think ourselves partakers in the offences of the ministers, and accessaries to our own destruction, if we neglected any possible means of securing a proper application of all the force we have left, from a blind confidence in persons, on whose account no nation in Europe will have any confidence in us. A manly disposition in Parliament to apply the national wisdom to the cure of the national distempers, would restore our credit and reputation abroad, and induce foreign nations to court that alliance which now they fly from; would invigorate our exertions at home, and call forth the full operation of that British spirit which has so often, under the direction of wise counsel and a protecting Providence, proved superior to numbers, but which can have no existence, but from a well-founded opinion, that it is to be exerted under ministers and commanders who possess the esteem and affection of the people.

We have in vain called for some plan on which to build better hopes, or for some reason for adhering to the present system.

We have in vain requested to know what have been the circumstances of the mediation, what are the grievances complained of by the Spanish court, in order that we may weigh the justice of that war in which we are going to engage; on which foundation alone we can rely for the protection of Providence.

We have urged the necessity of the great council of the nation continuing to sit, that his Majesty may not be deprived of the advice of Parliament in such a difficult crisis.

All these representations have been met with a sullen and unsatisfactory silence; which gives us but too much reason to conclude that ministers mean to persevere in that unhappy course, which has been the cause of all our misfortunes. After doing our utmost to awaken the House to a better sense of things, we take this method of clearing ourselves of the con-

consequences which must result from the continuance of such measures.

RICHMOND,	MANCHESTER,
ABERGAVENNY,	EFFINGHAM,
DERBY,	FERRERS,
DE FERRARS,	KING,
HARCOURT,	PORTLAND,
ROCKINGHAM,	RADNOR,
SCARBOROUGH,	COVENTRY,
PONSONBY,	HEREFORD,
DEVONSHIRE,	FOLEY,
EGREMONT,	FITZWILLIAM.

Adjournments and private business till *June* 25.

Bills to augment the militia and man the navy read the first time.

Marquis of *Rockingham* said, the alarming state of the country, and the weak state of the navy, though imputable to ministry in general, were particularly so to the first Lord of the admiralty, who suffered the navy, the great bulwark of the kingdom, to be in so deplorable a state (notwithstanding his repeated promises, that it should be equal at least, if not superior, to the united fleets of the House of Bourbon) that it was now much weaker than it had been on former occasions of public danger, and although so many millions had been granted for the support of it, it was barely equal to the fleet of France alone. The Marquis enumerated various instances of misconduct in the admiralty department, and particularly mentioned the suffering seven sail of East-Indiamen to put to sea under convoy of only one ship, some days after the Brest fleet had sailed. He attacked ministers severely on this fact, and charged them with being either grossly ignorant and deficient of necessary intelligence, or grossly inattentive to such information as they obtained. He said their conduct respecting the Spanish rescript was a fresh instance either of their neglect, or of their want of intelligence. If they had known of it before it was delivered, and saw that the war must happen, they ought not to have deceived Parliament, and declared, that there was no fear of a war with Spain, neither ought they to have come now with a violent bill, with nothing but the most pressing exigency of affairs could justify; the measure should have been adopted sooner, in order to have rendered it effectual; and, if they had not foreseen the event, they were the only persons

ignorant of its being likely to occur; an ignorance the more inexcusable, because they had been told of it from almost every man on that side the House. He said, he wondered not at their turning a deaf ear to the noble Lords near him, after they had turned a deaf ear to the advices of their own ambassador. What he alluded to was, the circumstance of a noble Viscount's rising in that House (in consequence of a question being put to him, whether he had or had not sent ministers due and timely information of the treaty between the Court of Versailles and the Congress of America, being in progress) and declaring that he had not only sent ministry word of his knowing that the treaty was on foot, but had sent them word of his being confirmed in his knowledge of it, and of its conditions. At that time he remembered a noble Viscount then in his eye [Lord Weymouth] who sat next to the noble Viscount in question, rose, and said that it might be true; that what the noble Viscount had declared was in every respect well founded, but they were not bound to believe it. The Marquis added, that he thought this at the time a little extraordinary, but from what he had lately heard the noble Viscount, who was ambassador at the court of Versailles, say respecting the court of Madrid, and of the delicacy with which that court ought to be spoken of, and the little doubt there was to be made of Castilian honour and sincerity, he gave the ministry credit for not placing too much reliance on what came from the noble Viscount. Having dwelt for some little time on the deceit of the ministry, his Lordship spoke of his own conduct, and justified himself from the charge of inordinate ambition, as the main spring of his actions, by reciting his own life, and declaring the marked character of his mind from his youth upwards. He said he had been bred in principles of the warmest loyalty, attachment, and affection to his Sovereign, accompanied with the most sincere regard and enthusiastic reverence for the constitution. That from his earliest infancy he had acted upon these principles. That during the reign of his Majesty's predecessor, he had, as some of those who saw him then well knew, shewn the most zealous ardour to prove his loyalty. That his Majesty of that day had done him the honour to say, he regarded him as a man of integrity. That in the beginning of the present reign, he felt the same attachment to the throne, but was sorry, in the opening of the reign, to see that designs were forming by interested individuals near the King's person, which neither promised honour

nour to the Sovereign, nor happiness nor advantage to his subjects. That his Majesty thought proper to entrust him with the administration of his affairs. That at that moment he ambitioned nothing: his sole object was to act in such a manner as should preserve the dignity of the Crown, and the happiness and prosperity of the subjects in general; that he regarded the Americans as the younger children of the Crown, and by every means in his power humoured their frowardness, and contributed to their comfort, resting on that alone, his hopes to render them dutiful and affectionate to their parent country. How different had been the conduct of those who succeeded him in office! Instead of falling in with the little waywardness of America, they had opposed the sternness of power to the harmless bent of inclination in the colonies. They had thwarted America in every point, and denied her requests in every particular. Not that he meant to say, America had been unreasonable in her requests; most of them were founded on justice, and upon our denial of giving them the relief they prayed for, rested that righteousness of cause which upheld every step she had taken. The Marquis mentioned his Majesty's having thought proper to change his administration, and declared he at the time chearfully acquiesced in the alteration, hoping that matters would be conducted by men more capable of undertaking the administration of public affairs than himself. How far they had been well conducted, he left it to the world to determine. Of this he was certain, they could not have been conducted with more zeal for his Majesty's honour, nor with more anxiety to promote the prosperity of all his people. Having come to this point, the Marquis mentioned Ireland, and desired to know what ministers intended to do respecting that loyal and distressed country? He said, it was highly necessary that they should go a step farther than their late resolution, before Parliament arose. He complained of the chief part of his motion respecting Ireland, some weeks ago, having been insidiously omitted, and said, that nothing but the hope that the King's servants were in earnest, should have induced him to have agreed to the omission. After discussing this much at large, he desired to know whether ministers meant to prorogue, or only to adjourn Parliament, and at length adverted to the bills upon the table, which he termed measures of great magnitude, and upon the face of them a confession on the part of the ministry, that the state of affairs was desperate. He declared his readiness to serve his

country as far as his abilities would allow, and said he was fully convinced that great as the danger might be, this country was equal to meet it fully and fairly, provided unanimity prevailed. That unanimity, however, he feared could not take place while those who had by their mismanagement induced the present danger, were still in office. He would not oppose the bill, but he had great objections to it in its present state, objections which he should offer at the proper time, and when the bill came to be debated.

With regard to the indemnity bill, he said, that it was not a little hard upon the subject, that after ministers had from time to time been apprized of their fatal misconduct, and forewarned of the consequences which would inevitably follow, they should, when the predicted effect really came upon them, urge Parliament to consent to bills which went immediately to destroy the liberty, and disturb the quiet and comfort of individuals, merely upon the grounds of that necessity, which they had, by their obstinacy and their ignorance, given rise to. The indemnity bill, the Marquis declared to be founded upon violence and injustice; it was such a bill as ought never to be countenanced but in a moment of the most pressing emergency; it tended directly to violate parliamentary faith, and to destroy that confidence which ought always to be religiously preserved between the legislature and the subject: and to this, it carried in it an extraordinary gift of power to the first Lord of the admiralty. That was a point which ought to be settled; was it understood, that the first Lord of the admiralty was to grant warrants of protection, *ad libitum?* The bill took away all parliamentary protections; why did it not remove all others? If it was founded on necessity, that necessity ought to have its prevalence in all cases without partiality. He begged therefore to know, if the first Lord of the admiralty was, by this bill, to be created sole arbiter of the liberty of the subject? The question was serious and important, and therefore he expected it would be answered.

Earl of *Sandwich* lamented, that the bill did not meet with that unanimity, which he had flattered himself would characterize its reception. From what had passed on the last day's debate, and from what had then fallen from the noble Lords on the other side of the House, he had been induced to hope, that as the object of the war was now changed, and as the question at present was, whether France and Spain should be vigorously opposed, every one of their Lordships would

would join heart and hand in adding to the necessary exertions of government. He would not say, that there was an opposition to the bill; from what had fallen from the noble Marquis, he was convinced that there would not be any; he was sorry to find, however, that there was even the shadow of an opposition to it. The exigency of affairs was certainly great, but it was such as ought rather to create an ardour in the mind of every true lover of his country, than any idea of despair. The present measure was a necessary one, and added to the other preparations, would put the safety of the country out of doubt. With regard to what the noble Marquis had thrown out respecting the state of the navy, it was a fresh proof to him, that every Lord on the other side of the House thought it his indispensable duty to attack the first Lord of the admiralty, let there be grounds for an attack of that aim and direction or not; for what had been the principal business of opposition during the session? To endeavour to disquiet, accuse, and harass as much as possible that officer of the crown, who in the present crisis had most business of importance upon his hands, and who, if noble Lords had really considered the interests of their country, and had those interests as sincerely at heart as they declared they had, they would rather have encouraged to additional exertion than endeavoured to teize into discontent with himself, and disregard of his public duty. Charge after charge had been urged against the first Lord of the admiralty, and what had been the consequence? Every one of the various charges that had been urged in either House of Parliament against the first Lord of the admiralty, had been in the clearest and fullest manner refuted and disproved. His Lordship, in reply to what the Marquis had thrown out respecting the ill conduct of ministers heretofore, said, it was true, that from unforeseen accidents, from ill-success in points which promised a much better issue, the measures of his Majesty's servants had not all of them turned out so well as they had every reason in the world to have expected. He was far from blaming any person, or saying who was in the wrong. He did not meant to censure, he spoke merely in defence of those who were unjustly accused, for surely it was no proof of criminality to have been unsuccessful. The noble Marquis had thought proper to say, that the navy was in a deplorable state. He denied the assertion; on the contrary, he insisted upon it, that the navy was at present in the most respectable state that was ever known since Great Britain was a king-

kingdom. To prove this, his Lordship recapitulated the number of men and ships in commission during four years of the last war, and particularly instanced the amount of each in 1759, which was by far the year of the greatest exertion. In that year he stated that 86,700 and odd men were borne on the books of the ships of the line then in commission, and that the number of ships was 97. At present, he declared, we had not quite so many ships, but what we had were greatly superior in point of strength, being chiefly first and second rates (whereas in 1759, out of the number stated, there were twenty-five sixty-gun ships, and now we had but one sixty-gun ship) and the number of our seamen at present amounted to 81,000 and odd, which, considering that we lost 18,000 of the seamen employed last war, by not having America, was surely a very considerable number. The fleet under Sir Charles Hardy, he said, was as fine a fleet as ever was sent out; it was now very strong, and in a few days it would, he hoped, be much stronger. The noble Marquis had complained of seven East-Indiamen having been sent to sea under the convoy of a ship of forty guns, and he had formerly said of twenty guns. The noble Marquis was mistaken in both points. It was neither a ship of twenty, nor a ship of forty, but a ship of fifty guns, accompanied with a frigate. At the same time they were suffered to sail, Admiral Darby was at sea with ten ships of the line; therefore there was no danger. As soon, however, as Admiral Darby returned, orders were sent after the Indiamen to bring them back. By some accident, the first orders did not reach them; other orders were afterwards sent, which did come up with them, and they returned safe. His Lordship justified the suffering them to sail at first, upon the then strong appearance of safety, and the pressing requests of the company, that they might sail as early as possible. The French fleet also, it had since appeared, were not out; and the event had proved, that had they been permitted to sail they would have gone safe. His Lordship next took notice of what the Marquis had said respecting Ireland, and declared, he understood that matter was settled to the satisfaction of both countries. He then returned to his great topic, the state of the navy, and said, that every effort of vigour was making in his department, and so far was he from thinking that there was any blame due to the first Lord of the admiralty on the score of neglect or inattention, he flattered himself, that time would shew that there had not only been the greatest exertion

tion that ever was known for the last two years, or rather for the last eighteen months (for since that time only the war had really been commenced, and this country had began to put forth her strength) but that the navy was on a very respectable footing, and very shortly it would be much more respectable than it now was. He acknowledged, that at present the only deficiency was want of men; the bill under consideration would, he trusted, remedy that complaint; indeed, what had been done under the idea of it already, had materially, very materially, lessened the necessity in question, and in a very little time indeed, he hoped, the necessity would no longer exist.

Earl of *Derby* said, that there was not any one of their Lordships more willing to contribute to the defence of the kingdom in a moment like the present, when ministers themselves acknowledged the great peril in which he stood, than he was. He heartily wished that the unanimity which the noble Lord at the head of the admiralty had adverted to, could be brought about. Perfectly convinced he was, that, at least on the side of the House on which he then stood, an unanimity of sentiment to support his Majesty against his enemies of the house of Bourbon, prevailed in the most eminent degree; but how was it possible that they should be unanimous in joining in the measures proposed by those very ministers who had, by their misconduct, their weakness, and their want of policy, brought this once glorious kingdom to the miserable condition to which she then felt herself reduced. He meant not to oppose the present bills, because in such a moment, he would not furnish ministers with a pretence to be brought forward in future, why they were unsuccessful; neither should he have risen at all that day, had not the noble Lord at the head of the admiralty said, that every charge which had been brought against him had been disproved. Good God, was it possible for their Lordships to have patience, and hear such an assertion! Had not a noble Earl moved an address to his Majesty for the removal of the first Lord of the admiralty but a few weeks since, and had not the noble Earl supported his motion by a variety of facts, to several of which no answer had been given? Had any refutation been attempted of the charge of leaving Lord Howe in America without a reinforcement, in a moment when it was known that Monsieur D'Estaing was under sail for America with a large fleet, which, had wind and weather permitted, might have extinguished all our hopes in that quarter of the globe? What answer had been given to the

charge,

charge of not having sent a fleet into the Mediterranean? What answer had their Lordships heard to the charge of not having sent a fleet to prevent a junction of the fleets of Toulon and Brest? Why had not the first Lord of the admiralty this year prevented the Brest fleet from sailing out to join that of Cadiz? His Lordship added other interrogatories, and denied the noble Earl's assertion was well founded.

Earl of *Bristol* said, that he had no intention whatever of rising that day, had not the noble Lord at the head of the admiralty again attempted to mislead the House respecting the navy. His Lordship declared, he made no scruple to pronounce that the delivery of the Spanish rescript was solely owing to our fleet's not being at sea sooner. He owned, that the thirty-one sail of the line, now under Sir Charles Hardy, were as fine ships, and he believed as well manned, as ever put to sea; he wished, however, that they had gone to sea sooner, and he charged the first Lord of the admiralty with being guilty of the grossest misconduct in not having got them out before the French fleet sailed, emphatically declaring, that if he had, he verily believed we might now have been at peace with France, with Spain, and with America. He reprehended the same noble Earl, with his usual acrimony, on account of the navy of England being decreased so much since the year 1771, when Lord Hawke left 139 sail of the line behind him, eighty-one of which, his Lordship declared, were at that time ready for sea. He asked what had the noble Lord done with those ships and the money so liberally and almost lavishly granted him by the public to support the navy? To prove what the number of the navy at present was, the Earl drew forth a paper, and enumerating the ships of the line under Sir Charles Hardy, under Admiral Byron, in America, in the East-Indies, upon our coast, at Corke, and elsewhere, stated that the whole of the ships of the line now ready for sea was seventy-six, though possibly in two or three weeks we might have eighty or eighty-one. This, he said, was a number scandalously small; considering the money that had been granted, and the ships Lord Hawke left, the navy of England ought at least to amount to 140 sail. In answer to what Lord Sandwich had said respecting the want of men, he declared, that was not his argument; he complained of want of ships; he was convinced that there were men enough to be had, if the proper means were taken to obtain them. The noble Lord at the head of the admiralty had said, every charge brought against him had been

been disproved. He appealed to their Lordships whether he had not stated a variety of charges in order to justify his motion for an address to his Majesty for the removal of the noble Earl. What was the consequence? The motion was got rid of by a previous question——was that a refutation? The noble Lord at present confessed ministry had been unfortunate. Taking him on that ground only, it was an ample reason why he ought to quit his office. This was not a day for unfortunate ministers to guide the public helm. His Lordship said, he was far from wishing to clog the measures of government at this crisis; on the contrary, he was ready to assist with his personal services, and without any emolument, in repelling the common enemy. He called upon ministers to give proof of the sincerity of their pretended zeal in offering their lives and fortunes; declaring that the words which conveyed the offer, were not so weighty as the air which bore it to the ears of those to whom they made it; that they should proceed to realities, and that now was the time to give a test of their true meaning; let them resign their salaries, their pensions, their emoluments, and their reversions, and let the amount go to the payment of the necessary expences of the times. Having uttered this in a loud tone, he owned he spoke with heat but not with passion; the subject warmed him; he desired to be heard distinctly, and he wished he could be heard from one end of the kingdom to the other. What he said was fair; it was warrantable. At the same time he declared, that he called upon those who were in place to make no very great sacrifice. Every man possessed of two thousand a year, was able to give as much as he was, if they would but be contented to live within a moderate compass. The ministry, and those in place, had derived great emoluments from the public for many years, and it was but just, that in this hour of the necessity of their country, they should give back a little of the wealth they had amassed from the national revenue. With regard to one of the bills upon the table, it was liable to great objection. It must necessarily interfere with the first and most pressing service—that of the navy. It would be impossible to man the navy, recruit the old corps, fill up the new levies, and create a new militia at one and the same time. The objects were each of them important, but they could not be all served at once. The greatest object was our navy, for upon that, and that chiefly, rested our security. The Earl laughed at the idea of despairing. It had been the fashion of the day to hold out terror to the public,

public, to alarm them and to throw them into despondency. This was cruel, it was unnecessary. There was in this country an inexhaustible fund of riches and resources; more than able to repel ten times the dangers and difficulties that surround us; but all depended upon those riches and those resources being properly called forth and properly exerted. If he heard that ministers acted with vigour, he would be the first man to applaud their conduct. The noble Lord at the head of the admiralty, if he knew his duty, would see that he ought to go all lengths to supply the fleet with men. The indemnity bill was a very proper one, but why had not the measure been sooner adopted? This was not an hour to talk of protections. The fleet was the grand object, and nothing should check the exertions to man it. Had he been in the noble Earl's place, he would not only have put in practice what the bill went to authorize, but he would have stripped all the privateers in every port in the kingdom; there should not have been a single merchantman suffered to put her bowsprit out to sea, till the grand fleet was fully manned, and able to protect her.

When he said this, he did not mean to have it understood that he was an enemy to the commercial interests of the kingdom; far from it: no man had them more at heart; but in a moment like the present, the interest of individuals depended altogether on the interest of the public; the latter must be served first, in order to secure the former. His Lordship advanced several more very strong arguments, in proof that our having a formidable fleet was the primary concern of the nation; that with it, we had nothing to fear, and that every man who did not contribute all in his power to further that great object, was an enemy to the kingdom.

Earl of *Sandwich* in reply, said, that the noble Earl and he differed exceedingly respecting their facts; the noble Earl had stated to their Lordships what he thought to be the present number of ships in commission, but as that by no means agreed with what he could prove to be the number, he begged leave to be indulged with his state of facts, and he would leave it to their Lordships to determine which was the most to be depended upon. The noble Earl had said, there were only seventy-six ships of the line in commission. [Lord Bristol said, "I mentioned seventy-six at present, possibly in three weeks there might be eighty or eighty-one."] The noble Earl had been greatly misinformed; there were several more than seventy-six, and though he did not chuse exactly to say what was the number, thus much he would say—that

he

he verily believed, by the end of the year, there would be more than ever this kingdom had in commission at any one time, from the first institution of the monarchy. His Lordship insisted upon it, notwithstanding what the noble Earl had said of the declining state of the navy, that the navy at present was in a more flourishing state (considering the short time in which it had been put into the condition it was now in) than had ever been known. The noble Earl had talked of Lord Hawke's having left 139 sail of the line, when he left the office of first Lord of the admiralty. If he reckoned every thing, he could make up a greater number; and if he quitted his office the next day, a greater number would appear on paper, but such an argument was mere fallacy.

With regard to what the noble Earl had thrown out respecting the propriety of pressing from privateers, &c. he declared he was happy to hear his Lordship's sentiments upon a subject, in which the admiralty had possibly adopted the very measures adverted to; in that case at least he hoped they to what the noble Earl's support and assistance. In respect to what the noble Earl had said upon the present indemnity bill, and in accusation of the admiralty for not having brought in such a bill before, he begged their Lordships in general to consider, that the measure was, as had been stated, a measure of some violence, and such as certainly tended to deprive many individuals of their present comfort; it would therefore have been highly unjustifiable to have harrassed the subject with it, till that exigency and that necessity which alone could warrant it, really pressed. The moment was now come, and therefore it was now proposed. His Lordship used a variety of other arguments in support of what he then said, as well as in support of his former speech, resting confidently on his assertions that the fleet was in a more respectable situation than ever, and that the present bills were such as the crisis of affairs rendered necessary, and therefore such as he hoped would pass unanimously.

Earl of *Bristol* replied, that he had stated the fleet of England to be but seventy-six in number. He had said, that seventy-six were all that were now ready, but that he supposed there might be eighty or eighty-one in a fortnight or three weeks.

Duke of *Manchester* declared, there were now two press bills on the table, a bill for a land press and a bill for a sea press. He should reserve the chief of his objections till the proper time of debating the two bills, but he thought it necessary

cessary to alarm their Lordships, and call their consideration to the real importance of the subject. He then stated the difficulty of raising a militia when it was originally instituted; the ferment it occasioned, &c. &c.

Duke of *Bolton* entered into a discussion of the difficulties that would attend the carrying of the two bills into execution, and spoke with great apparent knowledge to a variety of maritime points. He said, that supposing the taking all the men that could be got, without regard to protections, to man the thirteen ships of the line now ready for sea, furnished a sufficient number, that those ministers would be mad who sent ships, which now had no men on board, to sea with such riff-raff. His Grace reprehended the militia in general, as inadequate to any real service, and after enumerating his objections to them, said, a fig for your new militia bill, it is not worth a farthing! His Grace also pronounced the late offer of the East-India company to build three ships for government, a frivolous, impertinent, and impudent offer. That it was rather an insult than an essential benefit, and that he believed it was brought about through the influence of the first Lord of the admiralty.

Lord *Dudley* answered the Dukes of Manchester and Bolton: declaring, in reply to the first, that the present militia bill was no more a land press than the former militia bill was, and adding, that though it was true the original balloting for militia occasioned much ferment in the kingdom, and gave rise to great uneasiness, that he did not believe the same consequences would follow the present act, because the militia was now much better understood, and men's minds were cured of the foolish prejudices which formerly filled them upon the subject. In reply to what the Duke of Bolton had said respecting the offer of the East-India company, he declared, that so far from thinking it a frivolous or impertinent offer, he thought it a very handsome and a very noble offer; that it did the company the highest credit, and he did not doubt it would be followed by other commercial bodies, and would have the most salutary effect.

Duke of *Manchester* defended his former argument, declaring, that the original militia bill certainly was a land press, and so was that now on the table.

Duke of *Richmond* began with informing their Lordships, that having understood the House would be prorogued early in the week, he had been down into the country, upon his militia

militia duty, but hearing of the bill then under consideration, he had immediately returned, in order to assist in that House as much as possible in support of such measures as might, in the present moment of public exigency, appear to the wisdom of Parliament proper to be adopted. The two bills upon the table, certainly, were such as nothing but the most urgent necessity could justify. They were, as a noble Duke had declared them to be, both press bills, and the militia bill not less so than the indemnity bill. For what was pressing but a compulsory mode of obliging persons to take up arms, to become either soldiers or sailors; and to submit to martial law against their inclinations, and against their consent? Thus much for the principle of the bills; not that he meant what he had said, as an objection to them; in times of public danger, every consideration must give way to the safety of the empire. The rights of individuals, even their dearest privileges, must at such a moment be suffered to be invaded, and that under sanction of law. It only behoved ministers to take care, when they attempted measures of the extent and violence of those which the two bills before their Lordships authorized, that there was real occasion for such measures, and that the danger was of that degree, as would bear them out for having asked such unlimited powers of Parliament. With regard to doubling the militia, he had himself suggested it in the very last debate in that House: not that he intended to run a race with the noble Viscount [Lord Dudley] who said, he had hinted it last year; he was perfectly indifferent from whom the idea first came: he did not wish to lay claim to the originality of it; he merely reminded their Lordships of the circumstance, to shew that it was one of the means for procuring men, to which he had turned his thoughts. The present bill, however, was not such as he had hinted at, there were clauses in it, which struck him as highly improper; so much so, that he really believed they would render the whole bill nugatory and impracticable. The clause which augmented the companies from sixty to an hundred men; and the clause to empower his Majesty's lieutenants to accept of any number of volunteers, and appoint officers to command them, appeared to him to be liable to very great objection. They were novelties in the militia, and might interfere materially with raising the men by ballot. He had his doubts also, whether it would be possible to raise the whole number. He remembered the violent tumult that there was in various parts of

the kingdom when the militia was first instituted. Forces were obliged to be employed to protect the magistrates in the execution of their duty. It was true, as the noble Viscount had said, the matter was now better understood, and much of that prejudice which artful men had inculcated in ignorant minds against the militia, was subsided; but the business of raising a militia was not yet so easy as the noble Viscount imagined. Last year only there were riots and disturbances. In the very county in which he had the honour to be his Majesty's lieutenant, the people were in a ferment; with a great deal of talking to them, and a great deal of trouble, the disturbances were quelled, and quiet was restored. From that partial tumult it was warrantable to suppose that there would be a great difficulty in raising a new militia, and probably an army must be employed in order to carry the measure into execution. Another objection he had to the bill was, that the militia now to be raised were, by the bill, to be raised for three years. Why so? The exigency might not last so long. Besides, in a moment like the present, every possible encouragement should be held out to individuals to offer their services; it was in the free spirit of the people that our security consisted, and not in a body of men pressed reluctantly to bear arms. Why then should the men be torn from their families under the unpleasant idea that they were not to return for three years? There was no occasion for the bill's carrying with it such an obstruction to the very measure it tended to authorize. Say half the time; if the exigency then remained, how easy was it, having the men trained and disciplined, to get them again? Their prejudice to the service would then be worn out, and being accustomed to a militia life, by far the greater part of them would enlist again, or come back as substitutes. At any rate, his Grace advised avoiding compulsory measures as much as possible; and for that reason it was, he said, that he should give the preference to accepting such offers of raising regiments as had been made to government.

Nothing, his Grace declared, could more strongly mark the want of decision and firmness in the King's ministers, than the mode in which he understood this bill had passed in the other House of Parliament. The first Lord of the treasury had brought it in, and proposed that the number to be raised, should be 31,500, or in other words, that the militia should be augmented to double its present number; a conversation took place, and upon something that had been said, by

by some person or another, up rose the first Lord of the treasury's secretary, and proposed that the number should be only 15000; by and by, after some more conversation, the first Lord of the treasury changed his mind again; and the number was altered back to 31,500. It was this irresolution in government that made all their measures fruitless. No one of the ministers knew their own minds; how then could they expect that the nation at large would put that confidence in them which they required, and from whence alone could arise that cordiality and unanimity, hinted at that day by the noble Earl at the head of the admiralty? For his part, he was free to say, he should have more confidence in men who, when they came to Parliament with any measure which had been agreed on in the cabinet, proposed it fairly and strictly adhered to it, even though it might be argued by one side of the House, that it was objectionable and impolitic, than in such undermined ministers, who listened to all with an affected desire to be instructed, and were at a loss upon which opinion to rest their conduct, whether upon their own, or upon one of those suggested by others. Having made this remark, he recurred to the militia bill then under consideration, and said, that as the present bill was worded, it was liable to be made a precedent of, and to authorize the calling out a double militia whenever his Majesty's ministers thought proper. There ought to be inserted in it some words expressive of the necessity upon which it was founded, either by mentioning that the power was granted during the continuance of the present war with France and Spain, or during the expectation of an invasion. He next complained of the use made of the militia when they were embodied, and said, that he was sorry to see we were losing sight of the original constitution of the militia, more and more every day, and getting nearer and nearer to the idea of an army of regulars. The militia was originally formed, not only as the stationary force of the kingdom, but as a means of local defence. For this reason it was exceedingly wrong to move the militia of one county into another. He was aware of the argument that men under arms should have no local attachments, and that they ought to be as ready to maintain this spot of ground as that, and in short to fight for their country any where. This was good doctrine when applied to the regular soldier, but very bad doctrine when applied to the militia-man. The local affections of the latter ought to be encouraged as much as possible, whereas the soldier should be

taught to regard all places alike, and to become a citizen of the world, preserving only that general love for his country, and that zeal for its interest and its honour, which ever had, and he doubted not ever would be the characteristics of all ranks of the British army. By changing the militia of the respective counties, and marching those raised in one part of the kingdom into another, that regard for their *natale solum*, that family attachment and connection which would make a militia-man fight with the utmost ardour in defence of a particular place, was wholly destroyed, and a general indifference begot in the minds of the whole body. Add to this (and which indeed was by no means the least ill consequence of marching the militia of one county into a distant county) the knowledge of the strong parts of the kingdom, which those militia-men born near them must be possessed of, and which might be rendered essentially serviceable, was lost altogether; so that if a descent were made by the forces of France, and the regiments of Berne, Roussillon, and Orleans, attacked any particular county, they would know full as well the passes, high grounds, heaths, inclosures, and roads of it, as that part of the militia who happened to be there stationed, and upon whom the defence of it would necessarily devolve. His Grace, at the same time that he made this remark, observed, that what he had there said applied chiefly, or rather altogether, to the militia of the coast counties. The militia of Rutlandshire, Leicestershire, and other internal parts of the kingdom, ought certainly to be moved nearer to the sea, because, as a descent must necessarily be made coastwise, it could be of no use to keep any part of the militia in the inland counties.

Besides this, his Grace said, it was highly impolitic to convert the militia into stationed garrisons, and to lock them up in one settled camp all the summer, till both men and officers, without doing the least good, were most heartily tired of their situation. By this means they learnt merely their common evolutions, and knew nothing of the real and most essential duty of a soldier. At present doubtless many ignorant persons might agree to enter, if chosen by the ballot, or as substitutes, under the ridiculous idea, that parading at Coxheath or at Warley Common, and being reviewed by his Majesty, was all that they had to do, and that in so doing they were, as it was termed, defending their country. This, however, was very far from the necessary military preparation for a defence of the kingdom against an invasion; and if

if no invasion was feared, the present bills on the table were without a pretence. The Lord-lieutenants of the respective counties had it in their power to give the commander in chief very important information, and they should be convened for that purpose. The weak and strong parts of the coasts ought to be ascertained, that the former might be fortified and camps marked out near them. There were several other things highly necessary to be done, and which he did not even hear were in contemplation. Had the cattle in the several counties near the sea been numbered, and a proper place appointed for them to be driven to, upon the first alarm of a foe's attempting to land? Had such a place been chosen for the general rendezvous of the cattle, so driven together, that it might conveniently be resorted to as occasion should require, and be changed according to the change of circumstances? Had an account been taken of the quantity of hay and corn in each county on the coast? And, what was exceedingly important, had it been ascertained what number of teams and horses there were in the respective districts, for the purpose of carrying off the forage, and driving it further inland, whenever such a measure should appear proper? Were there powder magazines established within reach of the army, necessary to be stationed near the coasts in order to repel a descent? Was there a single beacon erected in order to give the alarm upon the approach of the foe? These and many other measures ought to be instantly adopted, if ministers were serious in their expectations of a descent on our coasts. There was another question also of the first importance, and that was this—Was there prepared a sufficient quantity of those instruments, more useful in military operations of defence, than either muskets, bayonets, or swords? what he alluded to was pickaxes and spades. Let this country for once learn from America: let the ministers consider to what it was that the long continuance of the war across the Atlantic was ascribable—to their intrenchments. Every Gazette account, from the affair at Bunker's Hill to the very last action, told us that the Americans had been uncommonly active in their works of this kind; that they were intrenched up to their teeth; that as soon as one work was demolished, another at a little distance presented itself, and another after that; in short, that the industry displayed in this kind of defensive operation was astonishing. Let us also learn from France, and recollect, when we attempted a descent on the coasts of that kingdom last year, what ob-

stacles we met with, and what was the nature of those obstacles? At present he had not heard that the coasts had been even viewed by engineers, nor a single foot of earth turned up for an intrenchment. Supposing that the latter should turn out to be unnecessary as a matter of defence, it could not be unnecessary as a matter of instruction to the militia, any more than marching and taking positions, of which from their present management, they could not possibly have the smallest idea, and though in case of invasion, a very necessary and material part of the service, was what, unless they were immediately instructed in it, they would be perfectly strangers to. His Grace added, that after all, take as much pains as possible, the militia could never be rendered equally serviceable with the regulars; it was very true there were many fine corps in the militia, but the service was so different, that it was a thing not to be expected that they should in the day of danger prove as good soldiers. When he said this, he had not the smallest doubt of their zeal and spirit; he spoke merely of their want of skill and practice, a want that it was not in the power of domestic discipline to supply.

Another objection he had to moving the militia of one county into another, was this; at present most of the lords lieutenants of counties served themselves in the militia, and, according to their military duty ought to be with the corps they had the command of, let those corps be stationed at ever so great a distance from the counties in which they were balloted. In consequence of the present act, it would be incumbent on them to be in their own counties in order to assist in calling out and balloting the new militia, and in appointing officers. It was morally impossible for them to be in two places at one and the same time, consequently one of the duties, either their civil duty as lords lieutenants, or their military duty as colonels of militia, must be neglected. Add to this, as an objection to the present bill (what ought to be a very great consideration) the expence that doubling the militia would cost the nation. His Gaace said, it seemed of late to have been adopted by government as a maxim, that the security of the public must inevitably be great if the cost were large. There never was a more foolish idea. It not only was a *non sequitur*, but to go to a great expence without a certainty of producing some adequate effort was at all times highly imprudent; at this moment, it was playing into the enemies hands, and cutting our own throats to save them the trouble. It might be said, that he threw this out to save himself from paying more to the public necessities; very far from it; every man's property was lessened near a third within

these

these ten years, and if it were lessened a third more, he was as able to live upon a little as any one of their Lordships. His Grace earnestly exhorted ministers to attend to what he had said, and to impute it to its true motive—a desire to serve his country in the hour of difficulty and danger. Let them not imagine that their places were wanted, and that what fell from him and from other Lords near him, arose from any wish to dispossess them of their offices. Those must be bold men indeed, who, at this moment, wished to hold responsible situations. He had no such wish, he did assure them. When this country was at war with her natural enemies, France and Spain, he felt it to be his duty, and he thought it was the duty of every man, to do his utmost in support of his Majesty's crown, and the interest of the kingdom, against the House of Bourbon. The case was widely different, when we were solely engaged in an unjust war with America. Then he wished for peace, and would have done all in his power to procure it. His feelings had been of another kind from the first moment that the French rescript was delivered last year. As soon as he heard of it, he made a tender of his services in any capacity; either in the regular army, in the militia (in which he was then serving) or by raising a regiment of riflemen. We were, his Grace observed, much in want of such corps in our army, and therefore he had offered to raise either riflemen or *chasseurs*. If the French made a descent, our army would feel a great disadvantage from having neither riflemen nor *chasseurs* to oppose their *chasseurs*. As a proof of the very essential service of such corps in action, his Grace mentioned an instance of eight hundred of this sort of force, being posted by General Imhoff, last war, in a thick wood, near Cassel, directly in the front of the French army. He said, it was astonishing the execution they did, and the difficulty with which they were dislodged was inconceivable. They placed themselves two and two behind the trees, and were such admirable marksmen, that as soon as any of the enemy ventured forward, they dropped them. After trying for a considerable time to dislodge these riflemen, the French general was obliged to march up a large body of his infantry with the utmost rapidity, and by that means, with very great loss on his side, at length dispossessed them of the wood. His Grace declared he had offered to raise these sort of men, from his knowledge of their great utility, and from our want of such corps. He could have gained nothing by raising them; his rank in the army would not have been more exalted; and it was impossible for him to have derived any one advantage; government, however, thought proper to reject his offer. He understood

that an offer to raise a regiment of horse had been made lately by a noble Duke; indeed that offers of different kinds had come from two noble Dukes, and two noble Earls, but that ministry had either refused to accept them, or had accepted them in so unhandsome a manner, that it would have been more civil to have refused them. The Duke of Rutland, he was told, had offered to raise a regiment of cavalry, the expence of which the noble Duke had given them to believe, would cost him 12,000l. Surely if ministers threw cold water on such an offer, they ought to do more themselves. He had not heard of any offer coming from them; and as a noble Earl had well said [Earl of Bristol] "the air that conveyed the offer of their lives and fortunes was more substantial and weighty than the words of the offer, unless the truth of it was proved by correspondent actions." Last war, the noble Earl at the head of the admiralty had raised a regiment. Had he offered to raise one now? If he had, he had not heard of it. Had the first lord of the treasury offered to raise one? He believed not. Let the noble Lords high in office consider appearances a little, and if they were consistent in nothing else, let them for their own sakes be consistent in their attempts to prove that opposition had no view but to get into place, no desire to serve their country, and that they only aimed at inducing fresh misfortunes, having nothing less at heart than the interest of the empire.

His Grace declared, he had heard without doors that it was the intention of ministry to send a part of the militia over to Ireland, in case France and Spain should begin their attacks there. He warned them that if such a project were practised, the faith of Parliament would be broken, and not the less broken, because this or that regiment had been induced to agree to, or because they had voluntarily consented. The express parliamentary stipulation with every man chosen by ballot was, that he should not be sent out of the kingdom; the condition, though individually made, was a general pledge of faith, and ought to be rigidly observed. Let the ministry pause a moment, and reflect on the danger of violating the parliamentary faith in any one instance. What was their argument respecting Ireland? That the Parliament had pledged itself to enter upon an immediate consideration of their grievances, early next sessions, and to afford them all the relief that was consistent with the well being of this kingdom. If the parliamentary faith were broken in one instance, it might be broken in another; and Ireland, by our violating our faith in regard to the militia, would have just cause of suspicion that we did not mean to keep our faith, relative to the promised con-

consideration and relief of her distresses. Now he was speaking of Ireland, his Grace said, he was naturally led to correct an error which he had been given to understand, he had made in his last speech, respecting General Conyngham; no man meant less to mislead, much more to commit error in points where professional character was at stake than he did. He had said that General Conyngham, second in command in Ireland, had never seen a shot fired in his life. He had been since informed, that the general had been in actual service when young, and that he had lately served two campaigns. This certainly proved that he had been mistaken in his description of the general, but it did not alter his argument; which was, that the officers appointed to command in Ireland, though men of distinguished characters in private life, had never seen such service, as they must necessarily be at the head of, in case Ireland were attacked.

A report, his Grace observed, had been circulated, which if it were not to be deemed an addition to our misfortunes, was certainly an addition to our disgrace. He had heard, but could scarcely credit the report, that it had been resolved in cabinet to invite a foreign prince to take the command of our forces at home, and to superintend the defence of the kingdom. Was it possible that ministers had gone so far in evil as to think seriously of a measure so insulting to every British officer, and so absurd in itself! He was far from intending to cast the least reflection on the military talents of Prince Ferdinand. During the last war he had served under him in Germany, and it being his duty to be near his person, he had the best opportunity of knowing his ability as a general, and of admiring his conduct. But let ministers for a moment recollect the very essential difference of the service as commander in chief in Germany last war, and commander in chief in England at this crisis. Let them candidly consider the opposition of circumstances, and then let them say, if they were mad enough to pursue a plan which was engendered in folly, and which could only end in shame and ill-success. Prince Ferdinand last war commanded in a country, of which there was not a place but what he was intimately acquainted with, as well as the language, customs, and number of its inhabitants. He headed also an allied army, chiefly composed of foreigners. In this kingdom he would have to head an army of Englishmen, naturally averse to a foreign leader, and to command in a country, every foot of which, as well as its language, customs, &c. he was perfectly a stranger to. Exclusive of this, what a libel would the bringing over Prince Ferdinand be to every British officer? Was there no English-

man

man capable of heading English forces? Were all our able generals, and all our able admirals employed, that we were obliged to send abroad to recruit for commanders? Was no native of England sufficiently master of military science, to be capable of undertaking the defence of his country, with a British army, amounting to near 100,000 men? Forbid it honour, and forbid it shame! While a Keppel and a Howe were unemployed in our fleets, and a Howe and a Burgoyne unemployed in our armies, let not the disgrace of inviting foreigners to protect our country from a foreign foe, be added to the catalogue of national ignominy, and national calamity!

With regard to the impress bill his Grace declared, that it went a very alarming length. It was a gross violation of parliamentary faith, and a direct attack on the peace and freedom of the subject; in short, it was a measure of so much magnitude, that nothing but the most crying exigency could countenance it for a moment. Before Parliament therefore gave it the stamp of their authority, it was incumbent upon ministers, by an honest confession of the true state of our affairs, to shew that they could not do without it; and here his Grace took occasion to say, that he was far from being of opinion that if we were really weak, it was the duty of ministers to conceal our weakness; that might be very good policy, while it was a matter in doubt whether a foreign enemy should break with us or not. To conceal domestic weakness from other powers was a pious fraud, sanctified by wisdom and good sense, but in a moment like the present, when all that we had to dread was at our door, it was a matter not only of the greatest folly, but of the grossest criminality, to deceive the nation, and not to tell them where the country was weak. He was perfectly convinced the danger would be less, the more it was known, because, be it what it might, the country had abundant resources, and there was spirit enough in the people to give the necessary strength to government, but it was impossible for the people, let their zeal be ever so ardent, to support government effectually, unless they were informed to what point, it was most necessary that their zeal should be directed. One great objection to the bill he was then speaking to was, the passing it now and letting it advert to an antecedent period. If the measure of pressing from all protections were really necessary to man the fleet, the first Lord of the admiralty should have put it in practice, and come fairly to Parliament in the usual way, and desired an indemity. The present bill dating the time of its being in force from the fifteenth of June (the day of the delivery of the Spanish rescript) was clearly an *ex post facto*

facto law, and all *ex post facto* laws were unjust, and contrary to the spirit of the constitution; a general taking away of protections also, as it would materially affect trade, was a very serious consideration. The present bill, if he saw it in its true light, would throw an additional and inordinate degree of power into the hands of the first Lord of the admiralty. It was highly necessary, therefore, before their Lordships gave their consent to the bill, that they should hear from either the noble Earl himself or some other minister, how that power was intended to be exercised. The question concerned the public materially, but it concerned him most materially. If the coal trade were cramped, not only the city of London and almost every manufactory in the kingdom would be deeply affected, but his fortune would be much injured. Did the noble Earl at the head of the admiralty mean to protect the coal trade? It was a question which ought to be answered. His Grace reprobated in severe terms the practice of selling protections at the admiralty-office. He declared that no man ought to be favoured with a protection who was not entitled to one, on account of the nature of his trade, and the benefit which the public derived, or were likely to derive, from his being protected in that trade; where he was so entitled, he ought to have the protection free from any charge whatever.

His Grace concluded his speech with recommending to ministry to endeavour to create what they themselves preached up, unanimity; and this, he told them, they could never expect to attain, unless they totally changed the system of their measures. He cautioned them not to place too much confidence in a majority of Parliament; there were times, and those seemed to be at hand, when the voice of the people at large would be heard, and ministerial delusion would cease of its desired and usual effect. At present, he assured them, a great many of their parliamentary majority, the moment they had got on the other side of those doors, within which they had given their votes in support of ministers, made no scruple to shrug up their shoulders, and to declare, that the present ministry was the most weak and absurd that ever ruled a great nation; that their measures were founded in the grossest ignorance, and conducted with the most marked negligence and want of spirit, and that they were upon the whole the most incompetent ministers this kingdom was ever cursed with. Without doors the majority was three to one against them. In all parts of the kingdom, in all companies and on all occasions their conduct was canvassed without reserve, and reprehended

hended without mercy. Let them not therefore trust to the astonishing degree of apathy and insensibility that had characterised the nation for years. They had themselves occasioned the cloud which now blackened the British horizon; let them beware it did not burst upon their own heads!

Earl of *Effingham* stated two or three objections to each of the two bills; and particularly found fault with the exemption of the East-India company, expressed in the indemnity bill.

A sort of general conversation ensued. The Marquis of Rockingham, the Earls of Bristol and Effingham, the Duke of Richmond, the Lord President and the Earl of Sandwich taking part in it.

The Marquis of *Rockingham* again put his questions about Ireland, and the remaining right of granting protections, which the bill would leave vested in the admiralty-board; declaring that the power was inordinate, and ought not to be trusted in such hands. That the terms, which he understood the Irish would demand and expect, were, a free exportation of their woollen manufactures, and a tax on absentees. The Marquis complained of ministry taxing his property in Ireland to pay pensions to prostitute Lords of Parliament, and members of the other House; he threatened to stay in this country no longer, unless Ireland, where he had a large property, was relieved.

Earl *Gower* said, that he understood the Irish were perfectly satisfied with the parliamentary pledge of faith; that in the recess the matter should be fully canvassed, and early the next sessions such relief as this country could grant, afforded to that confessedly distressed and loyal people. With regard to protections, he conceived the admiralty-board would possess no more power than they formerly had, and he dared answer for it they would only use their discretion where it was absolutely necessary.

Duke of *Richmond* stated, that his property would be materially altered, if the coal trade was not protected, and complained of the practice of selling protections at the admiralty-office to individuals. His Grace said, he knew a large body of sailors, he would not say where, who exercised their profession in perfect security from the press. He had reason to believe they paid largely for their protections. [Supposed to allude to the port of Brighthelmstone.]

Earl of *Bristol* said that he was for allowing protections to no persons whatever, but those in the coal trade; and if the city of London and the several manufactories in the kingdom would

would not be greatly distressed by checking the coal trade, he was free to say, he would not even agree that they ought to be protected, before all the navy was completely manned.

Earl of *Sandwich* said no protection were ever given or sold to single men. That it was astonishing the number of protections that were wont to be made out of the admiralty-office, which this bill would put a stop to. That the admiralty protections were always granted to masters of certain vessels for so many men each, and stipulated fees were paid at the admiralty-office. That in no public office business was done without some fee; he saw therefore no ground for complaint against that office over which he presided, more for taking its accustomed fees than any other.

There was do division.

Private business and adjournments till

June 28.

Earl of *Coventry* (previous to the order of the day) recommended unanimity as a thing highly necessary in an hour of danger like the present. His Lordship exhorted ministers, if they had the least regard for the interest of Great-Britain, or the honour of the Crown, to put an end to the American war immediately. He said the American war was a millstone about the neck of this country, which pulled her down, and rendered every effort to retrieve her character, as a great nation, ineffectual; he earnestly therefore urged them to lose no time in setting about the relieving us from such a clog, declaring, that although he was as ready to own he wished America independent as the most flaming member of Congress, he was now speaking not his own sentiments but the language of those, who still had a hope and an expectation of getting America back to this country. He understood, that since the large detachment had been sent from Sir Henry Clinton's army to the West-Indies, our affairs across the Atlantic wore a better appearance than before; if the lessening our army at New-York was attended with so much benefit, it was warrantable to presume that the withdrawing the whole of the army would produce still greater advantage. For these reasons he most heartily wished, that during the recess of Parliament, ministers would employ themselves in endeavouring to effect so salutary a purpose, assuring them that of all the measures they could possibly adopt, it was the most likely to promote unanimity; for however averse a great number of people both within and without doors might have been, and certainly were, to carrying on an unjust war against our brethren in America, there could be but one sentiment respect-

ing

ing the war against our natural enemies; every man would join heart in hand in strengthening the arm of government against the House of Bourbon, and ministers would reap the advantage of having their measures supported by the united voice of the nation.

Duke of *Grafton*, in consequence of what the noble Earl had thrown out respecting union, said, he was as ready as any one man in the kingdom to be unanimous in supporting such measures as were most likely to contribute to the defence of this country against France and Spain, and to give vigour to our military exertions, in a crisis in which military exertion, both by sea and land, was so necessary as the present. He could not, however, consent to an union with that set of men to whose bad conduct all the danger and difficulty of the hour was to be ascribed. The best way to procure unanimity would be for those men to retire from the government of this country, to which they had proved themselves wholly inadequate. They had not only, by their weak measures, brought on all the disgrace and all the calamity which overwhelmed us at this moment; they had not only lost all confidence at home, but they had contrived to lose all confidence abroad. Hence it was that in this perilous crisis we stood without a single ally; all Europe looking on with indifference, or rather perhaps with a hope to see us crushed and annihilated. His Grace said, he was in the country upon his private business when he first heard of the bill, which was that day to be the subject of consideration, if their Lordships went into a committee upon it. It struck him instantly that a bill so suddenly brought in and hurried through the other House in so hasty a manner, that their Lordships might almost count the hours since it was first spoke of, must be a very raw, indigested and imperfect performance. As a proof of this assertion, he reminded their Lordships of the great variety of our militia laws, and the manifold errors that had from time to time escaped in most of them. He mentioned also that the laws themselves were so voluminous, that a few years back, when it was thought adviseable to review the whole, and collect the essential clauses of each, into one statute, that statute swelled into a volume; a volume to which, if their Lordships did go into a committee upon the present bill, he should have frequent occasion to call their Lordships' attention to, in the course of what he meant to offer, respecting the bill then under consideration. Having said this, he informed the House, that as soon as he heard of the bill, he posted to town instantly, and

and arrived at his house yesterday evening. That he there found the bill, which he presumed had been delivered as soon as it was printed. That as he expected, when he came to read it he discovered it to be full of errors and full of defects. He was not at all surprised at finding it in that state, because when he considered in what a hasty manner it had been drawn up, it was impossible that it should be otherwise. His Grace then stated the parts of the bill which appeared to him to be particularly objectionable, and first he mentioned, that in the second clause, it was enacted that "it may be lawful for his Majesty to order and direct the number of private men to serve in the militia to be doubled." The words private men his Grace commented upon for some time, observing that, those words confined the new militia to the private men only, and did not give the least hint of the officers necessary to command them. He next adverted to the clause which enabled his Majesty to augment the militia companies to the number of one hundred, and directed that one lieutenant should be added to each company so augmented. This he declared was an innovation, that might be attended with bad consequences; he added likewise, that it was the first mention of any officer, and that it so effectually took away the right of appointing officers from the lieutenant of each county, and from the three deputy lieutenants, and vested the power in his Majesty, that if he were sent to, as lord lieutenant of Suffolk, and desired to appoint the officers of the new militia, he should write word back, that, according to the act of Parliament, he had no power; that he could not assume any such power, for that by the act, his Majesty alone had the power. After arguing this point very ably, his Grace recommended to the House a serious consideration of the bill, stating, that the measure it tended to authorise was of infinitely greater extent than they might possibly foresee; that however plausible it might appear in theory, it might not upon trial, be easy to be carried into practice, and that if they did not seize that opportunity of deliberating upon it with due circumspection, they might hereafter have much reason to lament their precipitation.

Duke of *Manchester* said, that he had for many years taken a great deal of trouble about the militia; that as originally formed, it was a constitutional force, and such he hoped it ever would continue. The present bill tended to alter it in many points, and therefore ought to be very deliberately considered. His Grace stated a variety of objections to the form of

of the bill, and some to its principle. He doubted the practicability of the measure, and likewise the effect it might have on other services. With regard to the former, he stated that it would bear hard upon the public from the season of the year in which it must necessarily be carried into execution; the harvest coming on, and all the husbandmen preparing to get in that very corn and provender, which was not only of material importance to the individual whose property it was, but to the nation at large, whose subsistence depended upon it, especially the subsistence of the army. He questioned likewise the possibility of gaining so many men as the bill called for, and dreaded the disturbances that might ensue from attempting to enforce the act (if the bill passed into an act.) He argued also upon the necessity of recruiting the old corps, and of getting men for the new levies, submitting it to their Lordships, whether it was not obvious that one service would clash with another, and that perhaps by attempting to raise a new militia, it would be impossible either to complete the manning of the navy, to complete the old regiments, or for such of the nobility whose offers to raise regiments, &c. had been accepted, to get their men. He mentioned, that he had very early made an offer to government to raise a regiment, but his offer had been rejected.

Earl of Bristol was rising to speak, when the Lord *Chancellor* asked if it would not be better to have the order of the day read, that the business might be more regular? The order of the day was read accordingly, and a desultory kind of debate ensued.

Earl of *Bristol* said he should not have risen that day, had it not been attempted both within that House, and without doors, to assert that he had mistated facts relative to the navy, and that he not only was confuted in that erroneous statement, but that he had acknowledged he was confuted. This was a gross deception. He had spoke to their Lordships from authentic accounts, which he defied any one Lord, either in or out of office, to disprove. His Lordship adhered to what he had on every occasion insisted on, viz. that the manning of the navy was the first consideration, and ought to be first attended to. He said, that no measure which was the least likely to prejudice that great end, ought to receive the countenance of their Lordships, and that the present design of augmenting the militia, struck him as immediately tending to operate against that and other very important services. He was therefore inclined to vote against the bill being committed; but what would determine him, would be an answer from the com-

commander in chief of the army, relative to the deficiencies of the army. Report said that the army was from fourteen to sixteen thousand men short of its complement. If this were true, it was an unanswerable argument against acceding to a bill, which if passed into a law, would swallow up almost every man in the nation fit for service. Before he sat down, he would ask another question of a noble Lord in his eye [Lord Sandwich] were the corps of marines complete? If they were not, it was an additional reason, why, in a moment like the present, the augmentation of the militia was a measure impolitic, and improper to be adopted.

Earl *Gower* declared, that in a crisis of emergency like that in which we now stood, he had hoped that every mode of calling out the strength of the country, which was proposed, would be readily adopted and supported by Parliament. That he hadhimself had his doubts of the practicability and prudence of the present measure. That there was scarcely an argument which had been urged against it, which had not, at one time or other, since the measure was first proposed, occupied his mind; that however he was inclined to forego his own opinion, from the consideration, that the bill apparently held out the mode most likely to collect a large force for the defence of the kingdom speedily. That the bill, as it stood, was not of necessity to be adopted *in toto*; most of the objections which he had heard made to it might be met, and the committee might so alter the bill, that the whole might be done away. He wished to hear the opinion of every Lord upon the subject, and as it was a topic of very great importance, he should be for adopting the sentiments of the majority. With regard to the question put by the noble Earl who spoke last, respecting the deficiencies of the army, he was not competent to answer it, and if he were, he was free to say, he should think a direct and explicit answer highly imprudent. Thus much he would declare, the amount of the armed forces in the kingdom, including the militia, which had been stated by a noble Duke last Friday, was, he believed, extremely erroneous; if he was rightly informed, the gross number was many thousands short of the number stated. The effective troops therefore now in the kingdom ought not to be taken to that extent in which it had been adverted to, and therefore the argument against the present bill, which had been built on that foundation, was much shaken. His Lordship earnestly advised the House to go into a committee upon the bill, and said, that it might be there so altered as to be rendered unobjectionable. Before the Earl sat down, he

begged leave to notice what had been said about foreign alliances, and called to their Lordships' recollection that in the ministry of the ablest statesmen, such alliances as the national interests most required had been in vain endeavoured to be established; it was no argument of the weakness or the ill-conduct of the present administration therefore, that they had failed in their endeavours to make alliances with the court of Russia, or other European powers. His Lordship added farther arguments in support of this assertion.

Lord *Townshend* reprehended the folly of providing for a home defence only, and losing sight of the necessary provision for the maintenance and support of our distant dependencies. He said, it resembled the conduct of a poor wretch in the last stage of mortality, who turned all his attention to his stomach, and thought if he kept that tolerably warm and comfortable, he was safe, although his extremities were wasting, and their loss of function must necessarily approach the seat of life by gradation, and end in putting a period to his existence. His Lordship declared that no man was more ready than he was to give government every support that Parliament could give them for the defence of the kingdom; it was necessary, however, to consider how far any measure proposed was adequate to the purpose it was avowedly designed to answer. The present militia bill was such as, he feared, was rather founded in zeal than in prudence. At present the army wanted many recruits, and there were several new corps to be raised. Both of these objects struck him, as objects which ought to precede the raising an additional national force, and for this reason; the regulars, whether raised as recruits to the army, or raised under the offers of nobility as new regiments, might be sent out of the kingdom, and sent wherever the pressure of affairs might require. At present we had possessions at some distance. The West-Indies, it was said, would be the object of attack on the part of our enemies. We could not send any of the militia to the West-Indies, neither could we send any of the regular forces now in the kingdom; the sending of the one was prohibited by law, and the sending of the other was prohibited by necessity—in fact, we could not spare them. When such was the case, why should we attempt to monopolize every man in the kingdom fit for a soldier, by augmenting the militia to double its present number? His Lordship urged also the same arguments as those used by the Duke of Manchester, respecting the impropriety of putting the measure in practice just on the approach of the harvest, and stated his reasons why he thought that agreeing to the

present

present bill would clash with other services, asking why ministers should desire to warp, cripple, and obstruct the recruiting for the army, by throwing in the way of that great object a bill which, if it could be carried into effect, and he much doubted whether it could or not, would effectually hinder men being got, either by the regulars, the new corps, or by the navy? He declared, that every gentleman in the army well knew, that since the militia was first established, the recruiting service for the army was greatly checked, and almost put an end to. After other arguments in support of his Lordship's assertions, he advised a different mode of armament; that of each gentleman in his own country arming his followers, and registering their number, by which means each county would have its own force, and such a force as he was convinced would serve more effectually in driving the country on the approach of a foe, than any other force whatever. His Lordship threw out a variety of hints respecting this idea, and at length concluded with declaring, that he did not approve of the militia bill; but that if he heard no better scheme proposed, he should certainly vote for that, because in a moment like the present, he thought no man ought to deny his support to such measures as were suggested for the defence of the kingdom, however short those measures might fall of what he conceived might be proposed and carried into execution with greater effect.

Earl of *Bristol* said, he considered the silence of the commander in chief of the army, respecting the deficiencies he had alluded to, as a confession of the fact; he therefore certainly should oppose the present bill, and for that reason he moved their Lordships, "that the bill should not be committed."

Duke of *Grafton* restated his objections to the bill, and said, that the more he thought of it, the more he saw its defects and its ill-tendency. He conjured the House to take a little more time to consider it. He said his business in the country was pressing, and that he was to be in camp next Monday; he would, however, give up every personal consideration to a matter of such moment. He begged, therefore, that their Lordships would only defer committing the bill till the next morning, that ministers might have an opportunity of deliberating among themselves once more, and profiting by the hints they had that day heard thrown out in Parliament. His Grace particularly dwelt on the impossibility to recruit the army, man the navy, and fill the new corps at one and the same time. He declared, though the Spanish secretary had

been delivered near a fortnight, and it was customary for the people in general to shew a spirit, equal to the wishes of government, to repel the common enemy; that in Suffolk he had not seen the least appearance of that spirit, no one offer having been made him to accept a commission in the new militia. His Grace used a great many other arguments to induce the House to coincide with his proposition.

Lord *Chancellor* called the attention of the House to the question, which was, whether the bill should be committed. His Lordship entered into the argument, urged the necessity of calling out the force of the kingdom, submitted to the House what was the most proper means of calling out that force, and informed them, that agreeing to the motion that the bill be not committed, would be in fact denying the necessity of encreasing the national force in any measure whatever. The present bill, he said, might be imperfect, and might be liable to challenge in point of form; it would not, however, he presumed, be liable to any in point of principle, because in a crisis like the present, he did not conceive that any man would say he was an enemy to putting the kingdom into the best state of defence that was possible; whatever were the errors of the bill, as far as he was enabled to judge from the objections which had been taken, there was not any one of them which might not be corrected in the committee.

Earl of *Effingham* declared he understood that his Majesty had appointed the Earl of Hillsborough to the vacant secretaryship, whom he had always regarded, though not as the principal, yet as the secondary instrument in occasioning the American war. If he was right in his information, he declared he would oppose the present ministry with redoubled vigour, because it shewed that the same measures and the same system were intended to be adopted which first caused all our misfortunes. He said, on such ground he would oppose his Prince, and he should think it as much his duty to do so, as if he had lived in the days of James the Second. He animadverted with great severity to the celebrated circular letter, and confined his speech to a review of the measures of ministry when Lord Hillsborough was last in office.

Earl of *Derby* said, he meant neither to vote one way or the other when he first came down to the House; but from what he had heard, he was confirmed in his opinion, that the bill was impracticable. His Lordship entered into a history of his offers to raise a regiment, made on the delivery of the French rescript, to the noble Lord at the head of the American department, and since the delivery of the Spanish rescript, to

to the present commander in chief, and complained of being greatly ill-treated on both occasions, and being marked as an object of ministerial persecution.

Duke of *Manchester* maintained his former argument, and after re-stating the inconveniencies that the carrying the present bill into execution would most probably be attended with, advised the new modelling the bill. His Grace said, he made no scruple to confess that he was against the bill, *ab imo*, as the noble Lord on the woolsack had phrased it; if he consented to the bill in any shape, it would be upon condition, that only the last clause was suffered to stand, and that every line which carried in it the least idea of a compulsory execution of the act should be expunged.

Duke of *Richmond* said, he had mentioned doubling the militia in a late debate as a feasible project in case of necessity, but he had not dreamt of carrying the measure into practice, in such a manner as the present bill stated. He agreed perfectly with Lord Townshend, as to the propriety of raising county corps, declaring that such corps were, of all forces, the most capable of driving the country in case of necessity. After discussing that, and a variety of other analogous topics, he said he differed in some degree with the noble Earl [Bristol.] He thought the navy the first object, and that it ought to be manned immediately; but he did not think, if we met with an accident at sea, that it was over with this country. Having dwelt upon this for some time, he complained of the partiality of government respecting the offers made them of raising regiments, and said he would speak out; that a noble Earl of that House, who had served abroad, and whose name ought to procure him respect, had been raised only one miserable step in his profession (from a lieutenant to a captain) at the same time that another Earl, who had never served either in the militia or in the army, was of a sudden appointed to the command of a company. He meant the Earl of Chesterfield and the Earl of Chatham.

This gave rise to an explanatory conversation, which lasted a full hour, Lord Amherst, Earl of Chesterfield, Earl of Derby, and the Duke of Richmond, rising more than once each on the occasion.

Earl of *Bristol* withdrew his motion, declaring that when he made it, he thought the bill would not be so altered as to produce any good; but from what his Grace of Richmond had said, he was induced to change his opinion.

After a variety of arguments from most of the speakers we have mentioned, Earl *Gower* proposed that the committee

should sit, and that it should be immediately adjourned to the next day. This was complied with.

The House then went into a committee upon the bill to remove difficulties with respect to the manning his Majesty's navy, for a time to be limited.

The Duke of *Richmond* proposed to alter the preamble, and to state, not a general plea as it stood in the bill, but the particular present exigency, and also to omit among the catalogue of acts to be suspended, that respecting the coal trade, which his Grace declared to be unnecessary to be suspended, since the trade in question must be sustained.

The Duke's amendment gave rise to a debate, in which the Lord Chancellor, Lord Stormont, and the Earl of Sandwich, spoke in favour of the bill, and the Duke of Richmond, Earl of Effingham, and Lord Ferrers, against it.

The Duke's argument was, that the present bill authorized a breach of parliamentary faith, and tended to authorize an *ex post facto* law.

Lord *Chancellor* maintained, that as the acts suspended by the bill then under consideration were passed upon the principles of public expediency and public convenience, it was every way warrantable, when a greater degree of public expediency and public convenience rendered it necessary, to suspend the operation of those acts.

Earl of *Sandwich* called upon the justice of the House, and said, if their Lordships could satisfy their own feelings, and think they were right to suffer him, who had risqued every thing for the public service, and put himself in the danger of an infinite number of prosecutions, to stand the hazard of the law, he must rest contented; he should think it a noble sacrifice: but he should have so mean an opinion of the House, that he should think he disgraced himself, if ever he set foot in it again. His Lordship stated, that on a hot press some time since, they got 500 men, but could only keep fifty. That in the press last week, they had got 600 men, and hoped to keep them all. They had got near 3000 men from privateers, &c. and had, since the act was first introduced, received more than one, two, or three offers of ships and men, and in each case, of considerable size and number.

Lord *Stormont* supported the first Lord of the admiralty, and declared he envied him the opportunity of having broken the law for the service of his country.

The Duke of *Richmond* proposed two clauses, which passed *in the negative* without a division. Lord Ferrers afterwards *proposed* a clause on behalf of the city of London, which

passed

passed also in the negative. The bill then went through the committee.

June 29.

Order of the day for the third reading of the bill "for removing certain difficulties with respect to the more speedy and effectual manning of his Majesty's navy for a limited time."

The bill was then read a third time, after which

Earl of *Sandwich* declared, that although the bill was highly necessary to be passed, he wished exceedingly to render it as palatable as possible to all their Lordships; for which reason he had turned in his mind all that had been said in that House upon it the preceding evening, and considered every objection which had been suggested, with the utmost attention. The objection which appeared to him to be the most urgent of any, and upon which indeed, the greatest stress had been laid, was, that if the men were pressed out of the colliers, the city of London, and many great manufactories, would be materially detrimented. He had revolved this objection upon his pillow, and had endeavoured to discover some mode of lessening it, if one could not be hit upon, which would remove it altogether; at length he had found what, if it did not fall under the latter description, would at least, he hoped, be allowed to come under the former, and that was by an amendment, which he should offer to their Lordships' consideration, and if they approved of it, it might be annexed to the bill as a rider. His Lordship then read his amendment, which was in purport, "that the act should operate respecting the coal trade for one month only instead of five;" that was till the 16th of July, which would not be above a fortnight longer. By this favour, his Lordship said, it would be clearly evinced, that his wish was to protect and encourage that trade as far as the exigency of the public service would possibly allow. In the course of his speech also he took notice, that every one of their Lordships, as well as himself, had been mistaken, respecting the act of the second of Queen Ann, stated in the bill to exempt and protect the apprentices, &c. of colliers. That act had long since been repealed, or rather, being a temporary statute, and passed expressly to remain in force only a limited time, it had repealed itself. The coal trade, therefore, by this amendment, would in a fortnight's time be put exactly in the same situation in which it stood previous to the passing of the bill then under consideration, and that he hoped would satisfy their Lordships, and induce them to pass the bill unanimously.

Duke of *Bolton* contended, that though the proviso which the noble Earl at the head of the admiralty had read, was certainly such a one as he should not object to, it did not go far enough. The coal trade was of the most material consequence to the metropolis. Its very existence might be said to depend upon it. The act therefore ought not to afford the coal trade a partial relief; it ought to relieve the masters of colliers altogether, and to exempt them from having any of their hands taken from them. He reminded the noble Lord, that the second of Queen Anne which gave them protection, was passed in the course of a war. They had been in the enjoyment of that protection during several wars since, which was a clear proof, that the idea that had uniformly prevailed was, that the coal trade ought not to be molested, and that when there had been occasion to man our fleets formerly, resources were found, and the business done without going the extraordinary length of the present bill.

Earl of *Sandwich* in reply expressed his astonishment that the proviso did not afford universal and full satisfaction. He said, it was as far as he could possibly go, and (exclusive of the difficulty which going farther would throw in the way of the service) if he went farther, would not every other species of maritime trade have a right to complain, and to ask why is the coal trade to be exempted from this disadvantage any more than us? His Lordship declared, it was highly necessary to get men, and that immediately. Several ships were ready for sea, and wanted nothing but manning. He had been repeatedly called on to use every exertion to get out the fleet: what he had done was an exertion, and an exertion the most likely to effect the great purpose in view. All exertions were burthens upon the public, and that was in particular a very great burthen, but it was a necessary one, and every description of men must bear a part of it. From the nobleman down to the master of a collier, it must be equally shared. Add to this, if he went farther, the service must be materially hurt, for then they must give up the men they had got from the colliers; a number of very useful and able hands, exceeding fit for his Majesty's service, and which could not be spared. His Lordship concluded with desiring the noble Duke seriously to consider the critical situation in which our affairs were at this moment, and the great importance of manning as many ships as possible, and then to say, whether, as a friend to his country, he wished that the men they had got by that exertion which he had risqued, should be discharged?

Duke

Duke of *Bolton* declared he was not arguing for giving up men, he was speaking of boys, the apprentices to masters of colliers It was those by whom the vessels in the coal trade were chiefly navigated, and without them the trade was at an end.

Earl of *Sandwich* again rose, and declared, that it was men and men only that they pressed, and that boys under eighteen were not taken, or if they were, they were discharged again.

Earl of *Bristol* said, he was not for giving up a single man till every ship now ready for sea had its full complement He wished, however, that the coal trade should not be robbed of the apprentices, and reminded the House, that the coal trade was the grand nursery of our seamen, and instead of being cramped, ought to be encouraged, as far as it could be encouraged, consistently with the present exigency. He was therefore for introducing a clause in the bill, by which they should be secured in having two apprentices, and not depend merely upon admiralty protections, which might be revoked immediately after they were granted, and which in fact were no protections at all.

Earl of *Sandwich* said, that the admiralty went much farther in their protections of the coal trade than the noble Earl had stated. Their orders to the press masters being not only to allow the colliers two apprentices, but a first mate and a carpenter. He had a press-warrant then in his pocket. signed by himself. His Lordship read the order to the House, and it thence appeared, that the press-masters were directed to leave so many apprentices, a first mate, a carpenter, &c. on board the vessels which they entered, in proportion to the size and tonnage of the vessel.

Duke of *Richmond* approved of the proviso so far as it went, but declared it ought to extend to a total exemption of the coal trade. After discussing that point pretty much at large, his Grace recurred to his objections to the bill, as stated by him the preceding evening, *viz.* that as the bill then stood, it tended to sanctify a breach of parliamentary faith, and being retrospective, it was in truth an *ex post facto* bill, neither of which ought to meet with the sanction of that House, he therefore argued very strongly, that the date of the bill ought to be changed, and that it should be merely prospective. His Grace said, that with regard to the measures taken by the first Lord of the admiralty, in opposition to the letter of the law, he gave him full credit for his good intentions; but unless the number of men that had been obtained in consequence of them was fairly stated, it was impossible to decide

whether

whether the end was equal to the means; he was willing, however, to agree to the only true constitutional manner of preventing the noble Lord from being harassed by actions or prosecutions, and that was by a bill of indemnity, stating the breach of the law exactly as it was, and indemnifying the noble Lord for his conduct. This proposition his Grace urged very strenuously, declaring, that consistently with honour and justice, their Lordships could not adopt any other line of action. To agree to the bill as it then stood, would be to violate parliamentary faith, a pledge of so delicate a nature, that he did not know that any necessity, or any exigency, however great, could justify the breach of it; and if their Lordships would but consider a moment, that the bill by being retrospective was an *ex post facto* bill, they surely would not sanctify a measure so contrary to every principle of justice, he might say, to every principle of humanity. What occasion also was there for their Lordships to adopt a degree of criminality that would disgrace them as men, and disgrace Parliament for ever, when it was so easy to answer all the purposes of the present bill in a fair, open, and simple manner? His Grace begged their Lordships to consider, that the liberty of the subject was materially affected by the bill then under consideration; that on that account it was a nice matter, and at that moment particularly so; in the critical situation of public affairs, it was well worth the while of government to make their measures as popular as possible; as the bill stood, it must be odious, it must be offensive to the public; besides, why prefer injustice to truth and virtue? Truth and virtue were solid, substantial grounds to stand on, and such grounds as every honest man, and every honest government would chuse to make the basis of their actions. After dwelling for some time on this point, his Grace reverted to the matter more immediately the subject of debate, the proviso relative to the coal trade, and what the first Lord of the admiralty had said respecting the nature of his press orders; arguing that it was not enough to declare that apprentices in that trade should be secured from being pressed by either an order from the admiralty not to press them, or an admiralty office protection; they ought to be secured by a legal exemption. The admiralty office might, as a noble Earl had said, grant protections one day, and revoke those protections the next day. The coal trade was admitted on all hands to be of the utmost importance, both as a nursery for seamen, and as it served the town with fuel; it ought

there-

therefore to be effectually protected, and that it could not be, but by an express exemption by act of Parliament; the present bill afforded an opportunity of introducing such an exemption, he wished therefore to see words added for that purpose.

Earl of *Chesterfield* spoke in support of the bill as it then stood, and in favour of the admiralty-board's remaining to hold the power of granting protections to the coal trade, and to others as they in their discretion judged it to be prudent. His Lordship said, that the very circumstance of having the power of revoking their protections whenever the exigencies of the state required it, was what pressed on his mind as the strongest reason why it was better for the public interest and welfare, that the power should remain lodged where it now was, than that it should be taken away, and the coal trade have a legal exemption, which might at a particular crisis operate very much to the disadvantage of his Majesty's service. His Lordship called the attention of the House to the present situation of affairs, and the notorious want of men to man such ships as were otherwise ready to sail and reinforce Sir Charles Hardy, instancing that as an unanswerable argument of the propriety of what he had just said. With regard to the bill in question, he was for its passing in its present form, including the proviso which the noble Lord at the head of the admiralty had moved as an amendment, and which might go as a rider to the bill. What the noble Duke had said respecting its being an *ex post facto* bill, struck him exactly oppositely from the manner in which it was evident it had struck the noble Duke: the very basis of the bill was its being an *ex post facto* law; and if it had not a retrospect, it would be useless; he meant with regard to the number of men that had been obtained in consequence of the exertions of the noble Earl at the head of the admiralty, exertions which did the noble Lord the highest honour, and for which, if they were candidly considered, he was entitled not only to an indemnity from Parliament, but to the thanks of his country. Only let their Lordships see the whole case as it really stood. France and Spain were in open hostility with Great Britain, and they had a powerful fleet at sea. Great Britain was a maritime state, and her chief dependence, and her chief glory was her navy. In such a situation as Great Britain then stood in, every nerve was to be strained in order to fit out as large a fleet as we could, to cope with that of the House of Bourbon; men of all parties, of all political descriptions, had called upon the first Lord of the admiralty to use every exertion, and

to

to get out as many ships as possible, and with all possible expedition. The first Lord of the admiralty had boldly sacrificed his own safety, and by a breach of the law had in a great measure attained the capital end of getting men to man several ships now lying in port, and only wanting men to be ready to sail. This was an exertion of the first importance, and would their Lordships deny the noble Earl the credit that was due for his conduct? Would they do what was worse—would they suffer him to be liable to prosecution after prosecution, and enable all the men he had obtained by his exertion to sue out the *habeas corpus*, and procure their discharge? for such would inevitably be the consequence of not passing the bill then the subject of debate.

Earl of *Bristol* reviewed the argument, and went into a kind of general examination of the state of the navy. He said, that manning the fleet was doubtless the first great object, for upon that our safety and our existence as a nation depended; the present bill, as a *dernier resort*, certainly ought to be passed when properly altered, but before it was passed, it was necessary for their Lordships to know whether every other means, and every other exertion had been practised to get men. No such facts had been stated by the noble Lord at the head of the admiralty; the bill therefore was without that proof to support it that ought to have accompanied it. There were to his knowledge several other means of obtaining men: one was the stripping the armed vessels employed in attempting to prevent the exercise of the smuggling trade. That trade was now at an end, and the vessels he alluded to, were consequently useless. His Lordship hinted at other resources for men, and said, in times like the present, every brave and gallant officer ought to be afloat. That there were men now mouldering on shore whose minds were at sea; Mr. Keppel, Lord Howe, Sir Robert Harland, Admiral Pigot, and Lord Shuldham, were officers whose breasts were fired with the truest zeal for their country's honour and interest. There was but one obstacle to their serving their country at the present crisis, and there was but one obstacle to his serving it likewise. If he could serve it consistently with his honour, he would, infirm as he was, go out in a frigate under the command of any one of the brave officers he had mentioned. Sir Charles Hardy ought to be reinforced; too much depended upon his success to put it to the smallest hazard, if it were possible to prevent it. His Lordship declared in the most solemn manner, that every syllable he had uttered flowed from his heart; that he spoke as a true Englishman, and he had no other object but the

the salvation of his country, and the maintaining Great Britain a free and independent nation.

Earl of *Sandwich* rose, and after thanking the noble Earl for the candid and dispassionate manner in which he had delivered his sentiments, said though they agreed upon the principal subject, the necessity of using every exertion to man the navy, they differed so much upon some others, that it was not very likely they should ever entertain exactly the same opinion respecting them. With regard to the state of the navy, it was by no means the object of debate that day, neither was it a fit matter to discuss just then. On a proper occasion he had no objection to meet the noble Earl fully upon it, and to enter into the amplest investigation of it; at present it was foreign from the business before their Lordships, to which he should confine himself. The noble Earl, among other things, had said that the armed vessels ought to be stripped of their men, for that those vessels were useless. The noble Earl was exceedingly mistaken; so far from the armed vessels alluded to being of no use, they were the most useful vessels in the service; without them the ports of Newcastle, Hull, Liverpool, and such open ports would be perpetually annoyed and harrassed. The noble Earl was equally mistaken in other points; every possible exertion had been made previous to the measures taken lately, to indemnify him for which, the present bill was brought into Parliament. A great deal had been said respecting apprentices; it was inconceivable the fallacies which had been practised respecting them from time to time, under sanction of the parliamentary protections. Young men of twenty years of age, and even of one and twenty, declared themselves to be under eighteen, and as the admiralty were obliged to take their own evidence, and it was impossible for them to disprove what they chose to say, or what they got others to say and swear, infinite numbers of very useful and fit hands to serve on board his Majesty's ships, had unavoidably been discharged repeatedly; the present bill would put a stop to all these cheats and delusions; at the same time it would not put real apprentices under eighteen in a state of less safety than before, because no seamen would be taken on board King's ships but such as were really fit for the service, and surely every one of their Lordships would agree, that such ought to be taken, while any such were wanted. After answering other matters thrown out by different Lords, the Earl concluded his speech with saying, that as to the number of men obtained in consequence of the late exertions, to sanctify which the bill was brought in, it was impossible for him to say what

the

the number was; he did not know, nor did any person know. It could not be known for a month at least, because the same measures were now under operation at Bristol, Liverpool, Newcastle, Hull, Portsmouth, and Plymouth, and in every port of England, Ireland, and Scotland; till the returns therefore were fully made, it was impossible to state the amount of the whole.

Earl of *Shelburne* entered into a minute discussion of its tendency, which he divided into two heads of argument, the one the regard the bill had to the past, the other its view to the future. His Lordship also took a review of the militia bill, and the good and ill consequences of that measure, which he apologized for speaking to out of order, by declaring that he was so tired and disordered the preceding evening, that he could not then stay to speak to it, and probably that would be the last opportunity he should have of giving his opinion to their Lordships on any public matter that session. He reprehended the present bill in very severe terms, and attacked the manner in which it had been originally produced to Parliament, declaring that it was smuggled into the House by a law officer of the crown at midnight, and that from that circumstance alone he was led to suspect that its purpose was such as dared not to be avowed in open day, and could not be maintained with fair argument. He pointed out the want of evidence to prove the facts on which the present bill was founded, and drew a comparison between the measure itself, and that of the indemnity bill, which passed respecting the embargo laid on the exportation of corn, while he was in office. He paid the late Lord Northington very high compliments on his conduct, declaring at the same time, that the noble Lord had been particularly severe upon him, and had thrown many obstacles in his way. With regard to the militia bill, he said, it was necessary to declare, that these were not times in which loyalty was pre-eminent, that the King's name had not that effect upon men's minds which it ought at all times to have, and which it ever would have, if ministers had not prostituted it in the basest manner as a cover to their weak and wicked measures, till, though it was a hard and a rude thing to say, it was almost become odious. His Lordship was rather paradoxical, declaring that if Sir Charles Hardy was successful, it would be disadvantageous to this country, because it would set France at work, and oblige her to make new exertions, which would render it necessary for Great-Britain to make fresh exertions likewise. He reprehended what he called the Tory doctrines of the day, and said,

that

that the Tory standard must be lowered, and a Whig standard must be set up, if this country hoped for better success than had lately distinguished it. After a variety of very pointed sarcasms at administration, his Lordship concluded with declaring, that he would not vote either one way or another, respecting the bill then before the House, because he saw great difficulties on both sides the question.

Lord *Chancellor* answered. His Lordship first laid down his argument of the preceding evening, viz. that the acts which were mentioned in the bill on the table, and the operation of which the bill went to suspend, were acts passed for the sake of public convenience and public emolument, without making the benefit of such individuals as were peculiarly adverted to in them, the ground of passing them, that consequently whenever a greater degree of public emolument and public convenience rendered it necessary, Parliament had no tie whatever to prevent their repealing them altogether, or suspending their operation *pro tempore*. His Lordship divided his answer to what Lord Shelburne had said immediately respecting the bill, into three replies, to three points, which he considered one after another. He complained also of the hard words which the Earl had used respecting the passage of the bill through the other House, and denied it had been smuggled through it. He said another debate prevented its being spoke of sooner than twelve at night, and therefore it was introduced at that late hour, but in every other respect it went its regular stages, with the usual deliberation. In their Lordships' House also it had been as fully debated as the subject could possibly require. He declared that it was to all intents and purposes a bill of indemnity. That the noble Earl at the head of the admiralty had put himself in danger of legal prosecution by violating the letter of the law, in order, in a crisis of great public danger, to do his country most essential service; that he now came to Parliament confessing his breach of the law, stating why he broke it, and desiring to be indemnified. Their Lordships had too much discernment not to see the strong claims to their protection urged by the first Lord of the admiralty, and too much justice to withold that protection; the present bill, if passed into a law, would acquit them of their obligation, and every way satisfy the minister, to whose exertion every thing was due, that was now desired.

Earl of *Shelburne* denied that the present was an indemnity bill, or that there was one word respecting indemnity, or the breach of the law committed by the noble Earl, in it.

Lord *Fortescue* spoke against the bill.

Duke

Duke of *Richmond* and Earl of *Bristol* were up several times, and offered in the name of opposition, if the bill were altered as they desired, to agree to it unanimously, and likewise to agree to an indemnity bill, couched in the most liberal terms of the first Lord of the admiralty, immediately, and to pass it with all possible expedition. Earl of Bristol again called on Earl Sandwich to state the number of the men that had been taken by the last press.

Earl *Sandwich* declared again, that he did not know, and should not know these six weeks: his Lordship expressed his astonishment, that after he had said so once, he should be a second time called upon to answer the same question. With regard to the proposal made from the other side of the House, if he came into it, he must discharge all the men he had lately got.

Earl of *Bristol* offered to insert a clause in the indemnity bill, empowering the noble Earl to keep all the men he had obtained.

Earl of *Shelburne* backed this offer, and urged it warmly. The Duke of *Richmond* did not disprove of it; his Grace was for letting the men go as unjustly seized, and then taking them again under the new act. He said he should move to re-commit the bill, as soon as the present question was disposed of.

The Lord *Chancellor* then put the question on Lord Sandwich's amendment, which was carried without a division.

His Lordship next put the question on the Duke's motion to re-commit the bill. The House divided; contents, 24; not-contents, 50.

His Grace afterwards proposed an amendment by way of a fresh clause, that all protections in future should be granted without fee or reward. The House again divided; contents, 23; not-contents, 48.

The question was afterwards put, that the bill thus amended do now pass; contents 51; not-contents, 20.

PROTESTS.

Die Martis, 29° *Junij*, 1779.

"The bill for the more effectually manning the navy was read a third time. Then an amendment being proposed to be made thereto; the same was objected to after a long debate. The question was put thereupon. Resolved in the affirmative. Then it was moved to re-commit the bill.

bill. The question was put thereupon. Resolved in the negative. Contents 24; not-contents 50."

Dissentient,

Because the re-commitment of this bill, which was moved, but which the House has thought proper to negative, appeared to us to be absolutely necessary for the introduction of such alterations as might, we hope, have enabled the House to concur unanimously in the suspension of those acts of Parliament which stand in the way of the extraordinary supply of men wanted for equipping the fleet on the present emergency; an unanimity at this time is certainly desirable, which we have shewn our readiness to produce, by offering to acquiesce in measures of considerable hardship and oppression, on account of the deplorable situation, to which this country is reduced; although that situation, so far from being imputable to us, is to be ascribed solely to that obstinate adherence to a system, of which we have constantly foretold the consequences we now so unhappily experience.

We wished in the committee not to have suffered the day of the commencement of this bill to remain, as it now stands the sixteenth of the present month, a period antecedent by fourteen days to the passing of this bill, whereby it has a retrospective operation, and becomes an *ex post facto* law, contrary to every principle of justice, contrary to parliamentary faith, and contrary to true policy.

We wished to have accompanied this alteration in the committee with an act of indemnity for the avowed breach of the laws now in being; we offered to consent to this indemnity in the fullest manner that could be wished, although the proofs we repeatedly called for, of the extent of the benefit, were refused; proofs which we did not require to be attended with that degree of strictness which could render it difficult to produce them; proofs, which in common cases, form an essential part of the grounds on which the infractor of law is to be saved harmless, but which, in the present instance, we would have dispensed with in favour of the intention.

We wish, by no means, to discourage future ministers from extraordinary exertions, when warranted by sufficient necessity; but we think it due to the dignity of Parliament, as well as to the safety of the constitution, on all occasions, but more especially where the parliamentary faith has been so deeply pledged, to give to acts of indemnity all possible

solemnity, that they may never come to be considered as acts of right but as acts of the last necessity; recognizing upon the face of them the force of the law, and stating, as far as the occasion will admit, the necessity of the violation. A precedent in point stands in the statute book, 7 Geo. III. chap. 7. and we can see no reason why it has not been precisely followed.

In direct opposition to this precedent, the present bill does not in the title, preamble, or in any part, directly mark its intermediate object; it no where directly recognizes the power of the law; it no where states the necessity, nor the obtainable advantage, which can alone justify the proceeding; both the violation itself, and the indemnity it is to obtain, come only incidentally and indirectly under the last clause. It has been hurried through Parliament in a most uncommon manner, and establishes a new, dangerous, and most alarming precedent.

Such an act of indemnity as was proposed, would have preserved the principle that laws are sacred, that nothing less than the legislative power itself can protect those who infringe them, and that such protection is given only in cases of extreme necessity.

The objection that a great service already obtained by the number of men impressed since the 16th of this month, would be lost by their being to be discharged, if the act had no retrospect to the time when they were seized, by no means applies to the question of re-commitment which the House has rejected. It appeared in debate, that of the number of men pressed on this occasion, and which has not even been computed to be very considerable, by far the greater part had only admiralty protections, and were not protected by the acts now proposed to be suspended. And it was by no means impossible but that such bounties or encouragements might have been suggested in the committee, as would have induced the greater part of those who had the faith of Parliament for their security, to enter voluntarily into the service at this critical conjuncture.

Every good purpose therefore of this bill might have been obtained, and probably a general concurrence in its support produced by simply acquiescing in a proper security for the observance of law.

But when we see this proposal refused, when we see that part of the preamble pertinaciously adhered to, which aims at establishing, as a general principle, that whatever may be deemed

deemed an arduous and difficult conjuncture, makes it equally just and expedient to infringe law, when we see a proposed amendment for confining that reasoning to the case which gives rise to the measure, namely, the present conjuncture rejected, we cannot but see with a jealous eye this and every opportunity taken of establishing some doctrine subversive of liberty, and our happy free constitution.

At such a time as this, when ministers avow their just fears of foreign invasion, which their misconduct has invited, to create fresh jealousies in respect to that liberty which is alone worth contending for, which is the best support to his Majesty's crown, and the surest foundation of that true affection of his people on which his Majesty can alone rely for effectual and general resistance to a foreign yoke, is a degree of infatuation we cannot comprehend!

ANCASTER and KESTEVEN,
RICHMOND,
SCARBOROUGH,
ABERGAVENNY,
FORTESCUE,
DE FERRARS,
PORTLAND,
WYCOMBE,
MANCHESTER,
ROCKINGHAM,
FITZWILLIAM,
CHOLMONDELEY,
BOLTON,
EFFINGHAM.

Then the question was put whether this bill, with the amendments, shall pass? Contents 51; not-contents 20.

Resolved in the affirmative.

Dissentient,

Because the acquiescence of the country in the mode of impressing seamen (tolerated only because the necessity of the measure is alledged by persons of great experience in naval matters, and hitherto is not disproved) has been by positive acts of the legislature interpreted and determined, with respect to the several persons, objects of this bill, who have therefore not only all the rights of this kingdom, in common with their fellow subjects, but the security of especial acts of Parliament, made expressly to check and curb that acquiescence with respect to them.

2dly, Because the protection given by such acts, in confidence of which these persons have engaged in their respective occupations, has, in my opinion, the nature of a contract, and is, by every rule of equity, indissoluble, except by the voluntary consent of the parties, or upon a compensa-

tion satisfactory to, and accepted by them, or in extreme necessity, on the tender of such advantages as the wisdom of the legislature should direct, and its justice should make a complete, adequate, and ample equivalent for such an infringement of their rights.

3dly, Because at the very time protections thus held out by Parliament to certain persons, as invitations and encouragements to undertake certain services, were boldly violated; the customary exemptions of certain watermen, licensed by the members of this House, unauthorized (as I conceive) by any law, and unknown to any court, though stated in the House by the same noble Lord who has infringed these protections, to be constructively disclaimed by a vote of this House, were yet declared by him to be, from deference and respect, held sacred.

4thly, Because the bill, so far as it is an act of indemnity, is inconsonant with reason, contradicted by precedent, and dangerous in practice.

First, with respect to the persons to be indemnified, as it does not contain an honest avowal of the transgression; as it does not stake the minister to an intentional violation of the law for the public good, to be subsequently approved and justified on that ground by a public indemnity, but contents itself with the abatement of suits and actions.

And secondly and chiefly, with respect to the constitution of the kingdom, to which it offers no satisfaction for the violation of the law; as it acknowledges only by construction and reference to dates, that it has been violated, as it attempts to confound the just ideas of prospective legislation, by authorizing a measure from a day which has already long elapsed, and as it totally omits to state not only that the effect has been adequate to the measure, and that therefore the measure is salutary, and that it has had any effect whatever.

RADNOR.

For the first and fourth reasons,
PORTLAND, DE FERRARS.
ABERGAVENNY,

June 30.

In committee on the bill to augment the militia.

Duke of *Grafton* threw out some general ideas as to the best mode of entering upon the business, proposing to discuss the clause respecting volunteer companies first, and to postpone the rest for candid discussion afterwards.

Duke

Duke of *Manchester* thought that the clause respecting the volunteer companies might materially depend on the fate of the clauses which preceded it; he therefore submitted it to the consideration of their Lordships, whether it would not be adviseable to begin the bill, and proceed regularly through its several clau e..

Earl *Gower* said, he was willing to come into any mode of proceeding with the debate that their Lordships should best approve He would, however, at that early stage of the business, inform their Lordships of a matter that had suggested itself to his mind, and which possibly might be improved upon, and engrafted on the present bill; he begged, nevertheless, that they would consider what he was going to say as a crude idea of his own, as a Peer of Parliament, and not as any measure proposed by him ministerially. At the same time he desired to have it understood that he was not wedded to his idea, nor so much attached to it, but he would readily forego it, if he found that the majority of their Lordships thought differently, or come into any modification of it, which according to the opinion of more experienced and abler Lords than he was, should appear proper. What he alluded to was this; that as it has appeared from the various arguments urged respecting the present bill, especially from several that fell from the noble Duke opposite to him [Duke of Grafton] on Monday, that the ballotting for an augmentation of the militia would be in some degree an impracticable, and at all events an unpleasant measure to the country, and as it would evidently clash with other services, he proposed to afford the spirit of the respective counties fair play, and make it an optional matter whether they would raise one hundred and fifty, or two hundred men to be incorporated in the regulars, or be obliged to ballot for militia. This, he thought, would remove the unpleasant idea of its being a compulsory bill, and would give the country what it wanted, an immediate and effective force. He added, by way of explanation, that he meant that such counties as agreed to raise the number of men he had stated, should be held to be *functus officio* respecting the present bill, and that they should not be called upon to ballot for any additional militia.

Earl of *Coventry* objected to this proposition, as being only a change of the mode of compulsion, and not a removal of compulsion altogether. He said, if the bill authorized the telling counties, " if you don't raise so many regulars, you

must ballot for militia," it was certainly a compulsory bill; and, he contended, that at this moment, all was to be hoped for from the zeal and voluntary spirit of the people, but nothing from compulsion.

Duke of *Richmond* complimented Earl Gower on the very candid and handsome manner in which he had suggested his ideas to the committee; he feared, however, that those ideas, though plausible, would, if examined a little, turn out impracticable. If the counties were expected to raise men, it would necessarily be some one private country gentleman, or more, who would be called upon to set about getting men. Supposing that the gentlemen so applied to, should, for reasons of their own ease, from a consciousness of their want of interest, or from some other cause, decline the proposition, and say, "I wish the service well, and I wish my country well, but it does not suit me to raise men." What then? The bill would give no compulsory power respecting the private gentlemen so refusing; but the county generally would be called upon to ballot, and those private gentlemen would be no more affected than any other individual. If therefore the noble Earl's proposition were acceded to, it would have an appearance of being compulsory, when in reality it gave no compulsory power where the compulsion could be expected to produce effect. His Grace having discussed this point, went into a general view of the bill, and hinted at a variety of measures proper to be taken for the defence of the kingdom. He said, he never had it in idea that it would be possible to raise and embody a new militia that would be fit for service this summer, he knew it was impossible; but he had thought that men might be ballotted for, and without being embodied, kept in their respective counties ready to be called upon whenever an enemy really landed. They might, he said, in such a situation, be rendered amazingly useful in case of an invasion; much more so indeed than any other soldiers, even than any other militia, and for this reason: there was a great deal to be done in a defensive war; exact returns should be made of all the forage, teams, horses, cattle, and sheep, in each of the coast counties, and the roads should be broke up. This country at present was, as it were, overrun with the finest roads in the world for the conveyance of artillery from one place to another. In breaking up of roads there was requisite some judgment, or more harm than good might ensue. The militia of a county would be able to execute this judgment in their own country; they would

know

know what roads for the sake of the communication with our army it was necessary to leave untouched, and would confine the breaking them up only to such general high roads as led from the coast to capital towns. They also being headed by the gentlemen of the county who knew the farmers, would be kept from that plunder, and that rapine, which it was so difficult to restrain an army from. The militia might also in their own counties assist materially in other respects. They were the fittest men in the world to drive the country; and in order that such a measure might be properly executed, it was highly necessary that a fit place should be pitched on as a *dépot* for the cattle, &c. &c. His Grace said, he was aware that the obtaining the returns of the live stock, &c. of the farmers would be a difficult matter, but it was a matter that must be done; and if an invasion was really to be dreaded, it was high time that it was set about. After more military advice, his Grace concluded with wishing that a militia of the kind he had mentioned was raised.

Duke of *Manchester* said, every thing which fell from the noble Duke was attended to with so much eagerness, and deservedly had such weight owing to the importance of it, that he owned he had heard him speak with some pain. His Grace declared, that this country seemed at present to be military mad; that the cockade, the glitter of the army, or something or other about it, had seized on the minds of all, and every rank of men was turning soldiers. What the noble Duke had said, was, he did not doubt, exceedingly proper to be done when occasion really required it, when an enemy was in the country, but he hoped that military discipline and martial law would not prevail universally till the courts of justice were shut up, and it could not be avoided. The noble Duke's advice of breaking up roads, and driving the country, were exercises of martial law, that went materially to affect the liberty and property of the subject. He hoped, therefore, they would not be attempted till the moment of invasion, because he was convinced that nothing but the last extremity could justify them.

Duke of *Richmond*, in explanation, declared, he should be the last man living to do any thing that affected the liberty of the subject. What he had advised was exceedingly necessary if an invasion did take place; and numbering the teams, cattle, horses, &c. of the farmers, surely was no oppression. That might be done, and ought to be done immediately.

As to the teams, it was a very easy thing to get at their number; the highway bills would shew it at once, and upon an enquiry being instituted in each county, the number of cattle, &c. might be ascertained. His Grace, however, particularly recommended accuracy in the returns, otherwise they would rather perplex than inform, and would breed endless confusion. His Grace concluded with saying, that if an invasion was so near, it was right for every man to bear arms; and therefore the more military mad the people were the better. Our navy was confessedly inferior to that of the united navy of the house of Bourbon, greatly inferior. We had nothing but the army to depend on, in case Sir Charles Hardy was beat, and it behoved almost every man in the kingdom to become a soldier.

Marquis of *Rockingham* said, he thought that so far from the farmers being displeased at their cattle, teams, &c. &c. being numbered, they would be glad of the circumstance, because it would satisfy them of the attention of government, and give them to understand that if they suffered any loss from the enemy, the public would bear them harmless.

Duke of *Grafton* reprobated every part of the act, excepting the clause relative to the volunteer companies. His Grace said, he had turned it in his mind, that every man who held a place under government ought to find one or more men, according to the quantum of his income. The man of one hundred a year should be put to no expence, he should only have the trouble of finding a man, and be allowed the levy-money. That the man of two hundred a year should find two men, and so on. This would raise a great number of men, and he thought the country had a right to expect it of those in office.

Earl of *Coventry* objected to the compulsory part of the bill, and produced a paper containing propositions for withdrawing our army from America, and concluding a ten years truce with that country. They were the same as those produced and moved in the other House by Mr. Hartley. His Lordship said, he was authorized to declare, from the information of the principle men in America, that the propositions he had read would be acceded to across the Atlantic.

Lord *Chancellor* defended the bill as it then stood, and rested his argument chiefly on its being a specific proposition, for the calling out a large body of forces for the sole purpose of national defence, come to unanimously by the other House,

of

of Parliament, and sent up by them to their Lordships. He laid great stress on the words "national defence," because as the bill avowed no other purpose, every argument that had been held respecting the necessity of carrying on an offensive war was foreign to the bill then under consideration. His Lordship stated the danger of the present crisis, and after calling the attention of the committee to it very closely, asked if their Lordships in such a moment would say, that though the commons of England were unanimously of opinion that it was right to strengthen the executive part of government, and to empower it, if necessary, to augment the militia for the purpose of national defence, that they were unwilling to accept the proposition, and that they denied affording what was thought the most speedy and effectual means of calling out a force adequate to the national defence? His Lordship shewed the impropriety of such a refusal, at such an hour, and left it with the feelings of the committee to determine respecting the passsing of the entire bill.

Duke of *Grafton* answered his Lordship, and said, that as the measure was impracticable in itself, to pass the bill would be to hold out a proof of our own weakness to the enemy.

Duke of *Richmond* entered into the objections to which the clauses empowering the King to double the militia were liable, and stated them in a manner unanswerably strong. His Grace spoke particularly of the nature of procuring substitutes, and put the case, that supposing the money paid for substitutes should rise to more than ten pounds: in that case he stated that the militia could not be raised at all; for every man chosen, would pay down the penalty of 10l. according to the act of Parliament, to be exempted from serving, and as it was customary for the poor to enter into clubs, and subscribe their five shillings each, or some small sum, to make up a purse, to indemnify such of the members as happened to be ballotted, the militia would not be able to get even the poor man. His Grace therefore strenuously recommended that all the bill be omitted, excepting only the clause respecting the volunteer companies.

Lord *Amherst* declared that he thought the nation so circumstanced that it was impossible for us at this moment to carry on an offensive war with success. That if we had already ten to one more than the enemy, it behoved us to get twenty to one if possible, for the sake of national defence.

Duke of *Richmond* called upon the noble Lord to give some arguments to support his assertion; because although his word was such as he could depend upon, and his assertion always

had

had their due weight with him, yet his saying that he thought either this way or that way, would not convince the public in general.

Lord *Amherst* said the late exertions to recruit the army had not proved so successful as formerly, or as he could have wished. That we must have men at any rate, and the ballotting for them as militia men was the most speedy and most certain means of obtaining them, therefore he was for the present bill as it then stood.

Earl *Gower* declared that what the noble Lord at the head of the army had just said, convinced him that it would be highly imprudent to pass the present bill as it then stood, because the noble Lord's assertion relative to the failure of the recruiting service, convinced him of the great scarcity of men. His Lordship then explained more fully why he had made the proposition respecting each county's raising a stated number of men, instead of ballotting militia, and said, it arose from his hearing so many strong arguments to prove that the measure of ballotting for militia would be attended with great difficulty, if not be utterly impracticable. He added, that as so many Lords were against the bill, he foresaw the bad consequences of their going to their respective counties, and saying to their neighbours and tenants that they disapproved of the measure; on this account it was, that he had endeavoured to hit upon a middle way that would be less objectionable, and yet answer the exigency of the times. What he meant by his proposition was this: the county of Stafford, for instance, raised about 600 militia; he should consult the gentlemen of the county and try their spirit, telling them that if they would raise 150 men, to be incorporated in the regulars, they should be exempt from ballotting for any more militia. If this plan were adopted, his Lordship computed that 8000 effective men might be raised within a month (for to that time he meant to confine it) and might be employed on any service that the country should require.

Lord *Ferrers* offered to join with four other peers of his county, in raising 100 men each, provided they were not to be sent out of the county. His Lordship was warm on the subject of his brother [Captain Shirley] not being employed at present.

Lord *Fortescue* recommended the paying a bounty of five guineas a man to all such militia men who had served three years, and who would enlist again.

Lord *Weymouth* owned be felt the force of the objections which had been made to the bill as it stood, and feared, that the

the militia could not be raised, if attempted to be ballotted for, at least not without great uneasiness and trouble, he was therefore for confining the bill to the volunteer companies.

Lord *Stormont* said, as the bill was passed unanimously by the other House of Parliament, and authorised his Majesty to call out a large force for the national defence, he certainly should give it his vote as it then stood, was he not convinced that it would clash with other services, and possibly impede the recruiting of the army, which was, in his mind, an object of the first importance.

Earl of *Dartmouth* said, it was true that difficulties might attend raising a new militia, but as the exigency of affairs required it, and as the other House of Parliament had unanimously adopted the measure, he should give it his support.

Earl of *Hillsborough* expressed his fears that if the bill were altered, the other House would throw it out; he said the bill did not oblige the new militia to be raised, it only empowered his Majesty to raise it if the necessity of affairs should require it. His Lordship spoke very strongly in favour of the bill, and said, he should vote for it as it then stood.

Duke of *Beaufort* and other Lords spoke likewise *pro* and *con*, and several of those above-mentioned were up twice or thrice each.

At ten the House divided on the question, "that the clause empowering his Majesty to order the militia to be augmented to double its present number," stand part of the bill, which was carried in the negative. Contents, 22; not-contents, 39.

Various amendments were then proposed respecting the volunteer companies, and carried. At half after ten the committee rose.

The following is an exact list of the last division, by which the scheme of ballotting for 30,000 militia men, was thrown out.

Duke of Gloucester,	Duke of Beaufort,
Grafton,	Chandos,
Richmond,	Northumberland,
Bolton,	Earl of Denbigh,
Devonshire,	Sandwich,
Ancaster,	Oxford,
Portland,	Dartmouth,
Manchester,	Waldegrave,
Dorset,	Ashburnham,
Marquis of Rockingham,	Loudoun,
Earl of Pembroke,	Northington,

Earl

Earl of Winchelsea,	Hillsborough,
Essex,	Viscount Townshend,
Abingdon,	Dudley,
Scarborough,	Lords le Despenser,
Coventry,	Willoughby de Broke,
Jersey,	Montfort,
Cholmondeley,	Amherst,
Abercorn,	Rivers,
Ferrers,	Thurlow,
Effingham,	Bishops Worcester,
Harrington,	Lincoln.
Gower,	
Fitzwilliam,	
Egremont,	
Radnor,	
Chatham,	
Viscount Hereford,	
Weymouth,	
Stormont,	
Falmouth,	
Lords Abergavenny,	
De Ferrars,	
Edgecumbe,	
Fortescue,	
Ponsonby,	
Walpole,	
Sondes,	
Foley,	
39	22

No more public business.

On the 3d of July, the session was closed.

For the King's speech, see the end of the Commons' debates.

INDEX

INDEX

TO THE

THIRTEENTH VOLUME.

A

ABINGDON, Earl of, supports the motion relative to the Commissioners' manifesto 65
——speaks in the debate respecting the removal of the Earl of Sandwich 288
——Opposes the address to the King on the Spanish rescript 500
Address of the Lords to the King on his speech at the opening of the session 47
——the King's answer thereto 48
Admiralty Instructions 140
Allwright, Capt. examined at the bar respecting the management of Greenwich-Hospital 249
——called to the bar again on the same business 323
Amherst, Lord, joins in the debate on the bill for augmenting the militia 569

B

Baillie, Capt. examined at the bar, relative to the management of Greenwich-Hospital 167
——called again to the bar and examined on the same business 177
Baillie, Capt. called to the bar at other times, and examined on various matters, 178, 199, 231, 241, 307, 315, 366, 370.
Ball, Mr. examined at the bar, relative to the management of Greenwich-Hospital 177
Barker, Mr. examined concerning the affair of Greenwich-Hospital. 298
Bathurst, Earl, supports the Earl of Sandwich in the enquiry into the management of Greenwich-Hospital 186
——considers the evidence produced on the above enquiry as of no weight 465
Bearcroft, Counsellor, examined at the bar, relative to the management of Greenwich Hospital 366
Beffon, Lieut. examined at the bar relative to the above business 381
Bolton, Duke of, wishes for a public enquiry into the conduct of ministers 29
——moves for the reading of the bill to try Admiral Keppel on shore 101
——moves for the second reading of the above bill on the same day 102
——moves for a committee of the House on the above bill 103

Bol-

Bolton, Duke of, objects to some amendments proposed by the Lord Chancellor to be made to the above bill 116
——— rises to support the character of Admiral Keppel, as to courage and conduct 118
——— complains of not being able to procure the memorial sent to the admiralty board, relative to Admiral Keppel's trial 121
——— complains of his letters being delayed and stopped at the post-office 122
——— vindicates the absent Earl of Bristol 136
——— proposes an amendment in the court-martial bill 152
——— supports the Earl of Bristol's speech, tending to the removal of the Earl of Sandwich 275
——— makes a motion relative to Admiral Harland's striking his flag 342
——— joins in the debate on the motion for printing the proceedings on the Greenwich-Hospital enquiry 496
——— makes a motion against proroguing the Parliament 497
Boxley, Mr. examined at the bar, relative to the management of Greenwich-Hospital 324
Bristol, Earl of, attacks the Earl of Sandwich on the state of the navy 27
——— gives the House notice of an intended motion 180
——— moves for the copies of all orders for convoys, &c. 200
——— supports the motion against trying Sir Hugh Palliser 224
——— makes a speech, tending to the removal of Lord Sandwich 251
——— states the condition of the navy during the time of Admiral Hawke 261
——— compares the force of the house of Bourbon with our own 26
Bristol, Earl of, speaks to the attempts of the French on the island of Jersey 316
——— supports the motion on the distresses of Ireland 337
——— supports the same measure in a subsequent debate 394
——— joins in the complaint of the want of discipline on board our fleets 340
——— replies to the Earl of Sandwich in the debate on the militia and navy bills 524
——— supports his arguments, used in a former debate, respecting the navy 544
——— goes into a kind of general examination of the state of the navy 556
Brown, Launcelot John, examined at the bar relative to the management of Greenwich-Hospital 366
Burrel, Sir Meyrick, examined at the bar on the same business 323
Butler, Mr. examined at the bar, relative to the management of Greenwich Hospital 302
——— his examination, as drawn up by Mr. Murphy, when the former should come to be examined at the bar 305

C

Camden, Lord, joins in the debate on the commissioners' manifesto 50
——— considers the manifesto as a weak and wicked publication 97
——— joins in the debate on the enquiry into the management of Greenwich Hospital 186
——— supports the Earl of Shelburne's motion, relative to the affairs of Ireland 390
——— investigates the evidence

given

given on the Greenwich-Hospital enquiry 465
Carol, Lieut. examined at the bar, relative to the management of Greenwich-Hospital 176
Chads, Capt. examined at the bar, relative to the management of Greenwich-Hospital 372
——— examined again 381
Chancellor, Lord. See Thurlow.
Chandos, Duke of, moves for an address to the King on his speech at the opening of the session 1
——— opposes the motion for an enquiry into the state of the navy 133
——— speaks against the motion for papers respecting convoys, &c. 203
——— speaks to the motion relative to the distresses of Ireland 331
——— joins in another debate on the same subject 390
Chesterfield, Earl of, replies to the Duke of Richmond, on his summing up the evidence relative to the Greenwich-Hospital enquiry 463
——— speaks in defence of the bill for the more speedy manning the navy 555
Cooke, Mr. examined at the bar, relative to the management of Greenwich-Hospital 300
Coventry, Earl of, opposes the motion for an address to the King on his speech 4
——— speaks in the debate on the bill to try Admiral Keppel on shore 105
——— supports the motion for the removal of the Earl of Sandwich from office 291
——— opposes the vote of credit bill 480
——— recommends union with the American colonies 541
Cowley, Mr. examined at the bar, relative to the management of Greenwich-Hospital 247
Cowley, Mr. further examined on the above business 249, 299
Craven, Lord, supports the motion for the removal of the Earl of Sandwich from office 291
Cust, Mr. examined at the bar, relative to the management of Greenwich-Hospital 296
Cypriani, Mr. examined at the bar, respecting the repairs in the painted hall at Greenwich 382

D

Dartmouth, Earl of, opposes the motion relative to the number of victuallers sent to the Delaware 208
——— supports the bill for augmenting the militia 571
Debates on the address to the King on his speech at the opening of the session 1
——— on the motion for the commissioners' manifesto 48
——— on the bill to try Admiral Keppel on shore 101
——— on the motion for papers respecting Greenwich-Hospital 126
——— on the Duke of Bolton's marine bill 129
——— on the Duke of Richmond's motion on the state of the navy, &c. 131
——— on adjourning for a week the intended enquiry into the state of Greenwich-Hospital 143
——— on accommodating the members of the House of Commons 146
——— on papers respecting Greenwich-Hospital 148
——— on the enquiry into the management of Greenwich-Hospital resumed 166
——— on the same subject 170

De-

Debates on the petition against the sewers' bill 174
——— on the Greenwich-Hospital enquiry, continued 175
——— on the Earl of Bristol giving notice of an intended motion 180
——— on the Greenwich-Hospital enquiry, continued 186
——— on the motion for papers relative to the trial of Sir Hugh Palliser 190
——— on the further proceedings on the Greenwich Hospital enquiry 199
——— on the motion respecting convoys, ships at Toulon, &c. 200
——— on the motion respecting the victuallers, &c. going to the river Delaware 207
——— on the motion against trying Sir Hugh Palliser 209
——— on the further continuance of the Greenwich-Hospital enquiry 231
——— on using the Earl of Sandwich's name 233
——— on the Earl of Bristol's motion to remove the Earl of Sandwich 251
——— on the further proceedings on the Greenwich-Hospital enquiry 295
——— on the further enquiry into that business 323
——— on the distressed state of Ireland 325
——— on the Duke of Grafton's information of the mutiny on board the Defiance 340
——— on the Duke of Bolton's motion relative to Admiral Harland striking his flag 342
——— on the further proceedings on the enquiry into the management of Greenwich-Hospital 343
——— on the Marquis of Rockingham's motion, relative to the distresses of Ireland 372
——— on the further proceedings on the enquiry into the management of Greenwich-Hospital 381
Debates on the Earl of Shelburne's proposition, relative to the state of Ireland 389
——— on the further proceedings on the Greenwich-Hospital enquiry 396
——— on the servants and house-tax bill 477
——— on the second reading of the convict bill 478
——— on the clerk of the assize bill ib.
——— on the second reading of the bill for restraining the East-India dividends for a limited time 479
——— on the vote of credit bill 480
——— on the motion for printing the proceedings on the Greenwich-Hospital enquiry 485
——— on the motion against proroguing the Parliament 497
——— on Lord Weymouth's message from the King, relative to the Spanish rescript 500
——— on the first reading of the bill to augment the militia and man the navy 517
——— on the bill to remove difficulties with respect to manning the navy 550
——— on the third reading of the said bill 551
——— in the committee on the bill to augment the militia 564
Denbigh, Earl of, interrupts a witness in the course of the enquiry into the management of Greenwich-Hospital 233
——— supports the motion for printing the proceedings on the above enquiry 486
Derby, Earl of, opposes the address to the King on his speech 16
——— condemns the measures of the ministers in general, and the commissioners' manifesto in particular 64

Der-

Derby, Earl of, supports the motion for the intended accommodation of the members of the House of Commons 147
——— supports a second motion on the same business 154
———joins in the debate on the militia and navy bill 523
——— opposes the militia and navy bill 548
Dudley, Lord, supports the Earl of Sandwich in the enquiry into the state of Greenwich-Hospital 152
——— opposes the printing of the proceedings on the Greenwich-Hospital enquiry 497
——— replies to the Duke of Manchester in the debate on the militia and navy bill 528

E

Eden, William, Esq. called to the bar, on the enquiry into the management of Greenwich-Hospital 171
Effingham, Earl of, condemns the King's speech, and the proposed address thereon 11
——— speaks in support of the Duke of Bolton's marine bill 130
——— approves of the motion for the accommodation of the members of the House of Commons 155
——— supports the motion for the removal of the Earl of Sandwich from office 291
——— joins in the debate on the distresses of Ireland 393
——— replies to the Earl of Chesterfield in the debate on the Greenwich-Hospital enquiry 465
——— opposes the vote of credit bill 482
——— joins in the debate on the *militia and navy* bill 540
Estimates respecting the navy, &c 137, 138
Everist, Mr. called to the bar, in the enquiry into the management of Greenwich-Hospital 168
——— called up a second time 170
——— further examined on the above business 231

F

Ferrers, Lord, offers to raise one hundred men, provided they were not to be sent out of the county 570
Fielding, Sir John, examined at the bar, relative to the management of Greenwich Hospital 382
Fortescue, Lord, makes a motion for papers relative to Greenwich Hospital 166
——— joins in the debate on the Earl of Bristol's intended motion 185

G

Glass, a pensioner, examined at the bar, relative to the management of Greenwich-Hospital 300
Godby, Mr. examined at the bar, relative to the management of Greenwich-Hospital 315
Goff, a pensioner, examined at the bar, relative to the management of Greenwich-Hospital 296
Gordon, Lieut. examined at the bar relative to the above business 295
Gower, Earl, rises to defend the Earl of Carlisle's character 68
——— joins in the debate on the bill to try Admiral Keppel on shore 114
——— proposes a kind of compromise on the motion on the distresses of Ireland 3

Gower, Earl, makes a motion relative to the distresses of Ireland 338
——— recommends great caution in the proceedings on that business 377
——— speaks in a like stile in a further debate on the same subject 392
——— joins in the debate on the militia and navy bill 545
Grafton, Duke of, joins in the debate on the commissioners' manifesto 49
——— considers Lord Lyttelton as the Drawcansir of administration 78
——— supports the Duke of Richmond's motion for an enquiry into the state of the navy 132
——— speaks again on that subject 134
——— joins in the debate on the motion for papers respecting Sir Hugh Palliser's trial 193
——— suppors the motion for the removal of the Earl of Sandwich 291
——— informs the House of the mutiny on board the Defiance man of war 340
——— supports the motion relative to Admiral Harland striking his flag 343
——— advises the ministers to retire from place, as the only means of procuring unanimity 542
——— restates his objections to the militia and navy bill 547
——— reprobates almost the whole of the militia act 568
Greenwich-Hospital. See Debates.
——— heads of the Duke of Richmond's speech, previous to the House going into a committee to enquire into the management of *that Hospital, viz.*
——— *motives* for making this *royal establishment* 156
Greenwich-Hospital, on the abuse of charitable foundations in general 157
——— state of the revenues of the above Hospital 159
——— royal charter of incorporation and new commission ib.
——— upon Capt. Baillie's complaint 161
——— money granted by Parliament to that Hospital 347

H

Halifax, Mr. called to the bar and sworn, in support of the bill for trying Admiral Keppel on shore 114
Hillsborough, Earl of, supports the bill for the augmentation of the militia 571
Holroyd, Capt. examined at the bar, relative to the management of Greenwich-Hospital 176

J.

Jackson, Mr. (judge advocate (called to the bar, and examined on the motion against trying Sir Hugh Palliser 214
James, Sir William, examined at the bar, relative to the management of Greenwich-Hospital 307
Ibbetson, Mr. called to the bar, on the enquiry into the management of Greenwich-Hospital 168
——— called to the bar a second time 173
——— called to the bar a third time 175
——— called to the bar at other times 176, 177, 178, 243, 324
Ireland, account of the value of goods exported from England to that kingdom, and imported from Ireland to England, for a certain time 374

Keppel,

K

Keppel, Admiral, copy of the thanks voted him by the House of Lords 125
King, his answer to the address of the House of Lords, on his speech at the opening of the session 48

L

Landaff, Bishop of, moves for leave to bring in the adultery bill 156
Le Despenser, Lord, opposes the motion against trying Sir Hugh Palliser 219
Le Fevre, Mr. examined at the bar, relative to the management of Greenwich Hospital 233
——— examined further on the same subject 249, 382
List of the Peers who voted for the removal of the Earl of Sandwich from office 294
——— of the last division by which the scheme of balloting for 30,000 militia-men was thrown out 571
Lyttelton, Lord, joins in the debate on the motion respecting the commissioners' manifesto 75
——— supports the arguments made use of for the removal of the Earl of Sandwich 281

M

Marsom, John, examined at the bar, respecting the management of Greenwich Hospital 249
Manchester, Duke of, joins in the debate on the bill to try Admiral Keppel on shore 113
——— replies to the Earl of Sandwich in the course of the above debate 118
——— moves for proper accommodations for the members of the House of Commons 146
Manchester, Duke of, replies to Lord Weymouth in the course of the above debate ib.
——— makes a second motion on the above business 153
——— moves for an account of the number of victuallers bound for the river Delaware 207
——— speaks in support of the motion on the distresses of Ireland 337
——— joins in the debate on the distresses of Ireland 391
——— opposes the vote of credit bill 484
——— speaks in the debate on the militia and navy bill 527
——— joins again in the debate on the same subject 543
——— supports the Duke of Richmond in the debate on the militia bill 567
Mansfield, Lord, joins in the debate on the management of Greenwich Hospital 189
——— considers the motion against trying Sir Hugh Palliser as extremely improper 223
——— discusses the question relative to the management of Greenwich Hospital 478
——— accuses the Duke of Richmond of misrepresentation 495
Marine bill. See Debates.
Marsh, Mr. examined at the bar, relative to the management of Greenwich-Hospital 177
Maule, Mr. examined at the bar, relative to the management of Greenwich-Hospital 174
——— called to the bar a second time 175
Moore, the cook, examined at the bar, relative to the management of Greenwich-Hospital 296
Morgan, Mr. examined at the bar,

respecting the management of Greenwich-Hospital 250
Moyle, Lieut. examined at the bar, relative to the management of Greenwich-Hospital 381
Murphy, Mr. examined at the bar, relative to the management of Greenwich Hospital 302, 368, 372

N

Navy, abstracts of the ordinary estimates of, during various years 137

P

Peterborough, Bishop of, opposes the motion for an address to the King on his speech 19
——— speaks in the debate on the commissioners' manifesto 62
——— replies to some parts of the Lord Chancellor's speech in the above debate 94
Plymouth, Earl of, seconds the motion for an address to the King on his speech 3
Price, Mr. examined at the bar, relative to the management of Greenwich-Hospital 231
Protest of the Lords against the proceedings on the commissioners' manifesto 99
——— against the negative being put on the motion to remove the Earl of Sandwich from office 292
——— against the motion to address the King for a change of measures 512
——— against the bill for the more speedy and effectual manning the navy 500

R

Radnor, Earl of, joins in the debate respecting the practice of voting by proxies 145
Rapley, John, examined at the bar, respecting the management of Greenwich-Hospital 249
Ravensworth, Lord, joins in the debate on the enquiry into the management of Greenwich-Hospital 166
Richmond, Duke of, joins in the debate on the commissioners' manifesto 49
——— replies to the Earls Suffolk and Gower, in the course of the above debate 70
——— moves for a copy of the charges, trial, &c. of Admiral Keppel 121
——— moves for certain papers respecting the management of Greenwich-Hospital 126
——— enters into an altercation with the Earl of Sandwich on the above business 127
——— replies to the objections of the Lord Chancellor 128
——— speaks in support of the Duke of Bolton's marine bill 130
——— makes a motion to enquire into the state of the navy 131
——— reads his motion separately 133
——— moves to put off the enquiry into the state of Greenwich-Hospital for a week 143
——— replies to Lord Stormont in the debate respecting the practice of voting by proxies 145
——— moves for some particular papers respecting Greenwich-Hospital 149
——— heads of his speech, previous to the House going into a committee to enquire into the ma-

management of Greenwich-Hospital 156
Richmond, Duke of, resumes the enquiry into the state of Greenwich-Hospital 166
——— supports the Earl of Bristol in his intended motion 183
——— moves for copies of all the proceedings against Sir Hugh Palliser 190
——— comments upon the arguments of the Duke of Chandos 204
——— is severe on the conduct of the Chancellor, for opposing the motion relative to the victuallers sent to the Delaware 208
——— makes a motion against trying Sir Hugh Palliser 209
——— supports the Earl of Bristol's arguments for the removal of the Earl of Sandwich 275
——— joins in the debate on the motion relative to the distresses of Ireland 339
——— supports the same enquiry on a second motion 376
——— sums up the evidence on the enquiry into the management of Greenwich-Hospital 399
——— opposes the East-India dividend bill 479
——— moves for printing the proceedings on the Greenwich-Hospital enquiry 485
——— supports the motion against proroguing the Parliament 498
——— moves to address the King on a change of measures 501
——— joins in the debate on the bill to augment the militia 566
Rockingham, Marquis of, produces the American commissioners' manifesto 48
——— considers the nature and tendency of that manifesto 51
——— supports the bill for trying Admiral Keppel on shore 113
Rockingham, Marquis of, acquaints the House with his intentions of moving the thanks of the House to Admiral Keppel 121
——— makes the above motion 122
——— states the distresses of Ireland 325
——— replies to the opposers of his motion for the relief of that kingdom 332
——— rises, at a different time, and speaks to the same subject 372
——— supports the motion against proroguing the parliament 498
——— speaks in the debate on the militia and navy bill 517

S

Sandwich, Earl of, supports the motion for an address to the King on his speech 21
——— replies to the attack of the Earl of Bristol 28
——— joins in the debate on the bill to try Admiral Keppel on shore 107
——— replies to the Duke of Bolton in the course of the above debate 116
——— enters into an altercation with the Duke of Richmond on the affair of Greenwich-Hospital 127
——— opposes the motion for an enquiry into the state of the navy 131
——— apologises for not producing all the Greenwich-Hospital papers 148
——— replies to the Earl of Bristol, in the debate on his intended motion 182
——— opposes the motion for pa

pers respecting the trial of Sir Hugh Palliser 193
Sandwich, Earl of, speaks against the motion for papers respecting convoys, &c. 202
——— rises to defend his conduct against the Earl of Bristol respecting the state of the navy 268
——— evades answering a question, relative to the attempts of the French on the island of Jersey 318
——— replies to the charge of the want of discipline on board the fleet 340
——— enters on his defence, relative to the management of Greenwich Hospital 343
——— coincides with the motion for printing the proceedings on the Greenwich Hospital enquiry 486
——— laments the cold reception of the militia and navy bill 520
——— proposes an amendment in the bill for more speedily and effectually manning the navy 551
Saword, Mr. examined at the bar, relative to the management of Greenwich Hospital 178
Shelburne, Earl of, speaks to a variety of matters, in the course of the debate on the address 33
——— joins in the debate on the motion relative to the commissioners' manifesto 84
——— replies to the Lord Chancellor in the course of the above debate 95
——— joins in the debate on the bill to try Admiral Keppel on shore 108
——— replies to an attack of the Lord Chancellor 112
——— supports the motion for an enquiry into the state of the navy 133
——— joins in the debate on the motion for papers respecting Sir Hugh Palliser's trial 198
Shelburne, Earl of, joins in the debate relative to the removal of the Earl of Sandwich 290
——— speaks to the motion relative to the distresses of Ireland 339
——— supports the motion relative to Admiral Harland striking his flag 342
——— states a proposition for the consideration of the House, relative to the state of Ireland 383
——— speaks in the debate on the motion to address his Majesty for a change of measures 505
——— answers the attacks of Lord Stormont 513
——— enters into a minute discussion of the tendency of the bill for manning the navy 558
Shepherd, Dr. examined at the bar, relative to the management of Greenwich-Hospital 365
Sibthorp, Mr. called to the bar, as evidence on the enquiry into the management of Greenwich Hospital 173
Smith, Lieut. examined at the bar on the same subject 249
Stormont, Lord, joins in the debate on the motion relative to the commissioners' manifesto 80
——— speaks in the dispute respecting the practice of voting by proxy 144
——— opposes the arguments used for the removal of the Earl of Sandwich 280
——— rises to defend himself against the attacks of the Earl of Shelburne 389
——— rises in defence of his very dear relation 512
——— supports the bill for the augmentation of the militia 571

Sul-

Suffolk, Earl of, supports the motion for an address to the King on his speech 12
——— rises to support the comissioners' manifesto 59

T

Thurlow, Lord (Chancellor) joins in the debate on the commissioners' manifesto 49
——— speaks again to that business 50
——— replies to several observations in the course of the above debate 91
——— begs pardon of the Bishop of Peterborough 96
——— objects to the second reading of the court-martial bill on the same day 102
——— joins in the debate on the above bill 103
——— replies to some assertions made by the Earl of Shelburne 111
——— proposes some amendments in the above bill 114
——— objects to the Duke of Richmond's motion, relative to Greenwich-Hospital 128
——— explains what he meant by the word *impertinent* 129
——— proposes to postpone the committee on the marine bill ib.
——— opposes the motion for an enquiry into the state of the navy 132
——— objects to the motion for the accommodation of the members of the House of Commons 147
——— opposes a second motion of the same nature 154
——— supports the conduct of the admiralty-board 195
Thurlow, Lord (Chancellor) opposes the motion for papers respecting convoys, &c. 207
——— considers the motion relative to the number of victuallers sent to the Delaware as an improper one 208
——— opposes the motion against trying Sir Hugh Palliser 221
——— objects to the motion for the removal of the Earl of Sandwich from his office 291
——— opposes the motion relative to Admiral Harland striking his flag 342
——— speaks in the debate on the distresses of Ireland 375
——— replies to the Duke of Richmond in the course of the above debate 377
——— opposes the Earl of Shelburne's motion relative to the affairs of Ireland 389
——— supports the East-India dividend bill 480
——— objects to printing the debates on the Greenwich-Hospital enquiry 487
——— replies to the Earl of Shelburne in the debates on the bill for managing the navy 559
——— defends the militia bill 568
Townshend, Lord, speaks in the debate on the distresses of Ireland 333
——— spppports the motion for the relief of that kingdom in another debate 393
——— opposes the motion against proroguing the Parliament 499
——— speaks against the folly of providing merely for our home defence 546

W

Weymouth, Lord, joins in the debate on the motion relative to the commissioners' manifesto

We

Weymouth, Lord, opposes the motion for an enquiry into the state of the navy 133
——— objects to the proposed accommodations for the members of the House of Commons 146
——— replies to the Duke of Richmond on the motion for papers relative to Sir Hugh Palliser's trial 193
——— opposes the motion relative to the relief of the distresses of Ireland 331
Weymouth, Lord, opposes the same measure in another debate 390
——— objects to the motion against proroguing the Parliament 498
——— presents a message from the King, relative to the Spanish rescript 500

END OF THE THIRTEENTH VOLUME.

Printed by J. Crowder and E. Hemsted, Warwick-square.